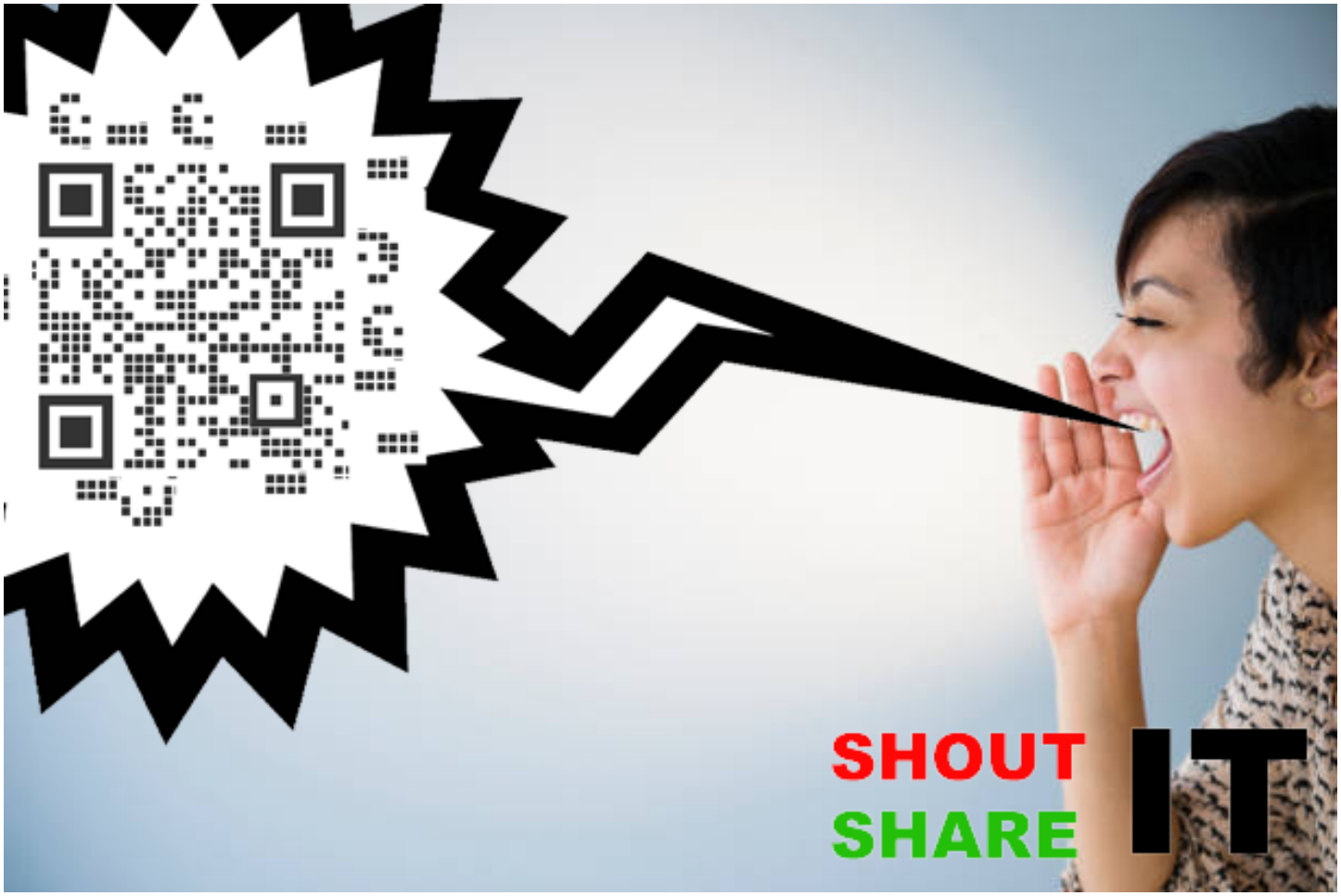
Chains of Servitude

bondage & slavery in India

Utsa Patnaik

Manjari Dingwaney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Chains of Servitude : Bondage and Slavery in India

© 1985 Sangam Books (India) Pvt. Ltd.

First Published 1985
ISBN 0 86131 491 3
Published by Sangam Books (India) Pvt. Ltd.,
160 Anna Salai, Madras 600 002

Phototypeset in India by
Composers, E-8 Kalkaji, New Delhi 110 019
and printed in India by
Ambassador Press, C-56/1 Okhla
Industrial Area, Phase II
New Delhi 110 020

Distributed by Orient Longman Ltd.
5-9-41/1 Bashir Bagh, Hyderabad 500 029, India

BOMBAY CALCUTTA MADRAS NEW DELHI
Bangalore Hyderabad Patna

There—they stand with bowed heads mute
Chronicling centuries of pain-drawn lines
on their haggard faces.

Their shoulders bent forever under weary loads
Slow they move
as long as they have life.
And after—
leave the legacy to their sons—
for generations and generations.

To these haggard mute, half-dead mouths give voice
In the wearied, withered, shattered hearts
bring the ring of hope—

Call them and say:
For just a moment
raise your heads. Stand one with another.
See
the dreaded ones are more fearful of
you in their wrongs—
Arise—and they will flee
For when you stand up
and look upon their faces
As with yelping curs—
fear and terror will shroud them.

Translated by Rati Bartholomew into free verse from *Ebar Phirao More* by Rabindranath Tagore (*Sanchaita,* Vishwa Bharati, Santiniketan).

Acknowledgements

This volume owes its existence to a number of institutions and individuals. Foremost among these is the Rural Labour Cell of the Academy of Gandhian Studies, Hyderabad for their generous funding of some of the studies in this volume. Thanks are specially due to Shri K S Radhakrishna, Project Director, Rural Labour Cell, for his encouragement and support.

Acknowledgement is also due to the Indian Council of Social Science Research (ICSSR), New Delhi for providing funds for Suneet Chopra's study 'Bondage in a Green Revolution Area: A Study of Brick Kiln Workers in Muzaffarnagar District'; the Gokhale Institute of Politics and Economics, Pune for access to their bibliography on Slavery and Indentured Labour.

Several individuals have contributed in one way or another to this volume, and the Editors would particularly like to thank Judy Whitehead for her valuable comments on several papers; Ramana for assistance with tables and statistics; R Mohan for his administrative assistance; Renu Gupta for compiling the bibliography; S D Kulkarni and Pradeep Prabhu for comments on legislation on slavery and bonded labour and Amelie Mathews, Swarna Shankar and Om Prakash for typing innumerable drafts of the manuscript.

February
1985

EDITORS

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INTRODUCTION

by Utsa Patnaik

India is a country of the survival and adaptation to new functions, of social forms which elsewhere have become extinct. The various forms of subordination of one class of human beings by another, have not been swept away here by any revolutionary upheaval; on the contrary their characteristics have accumulated, and have mutated sometimes under the impact of capitalism to produce an extraordinary amalgam of the modern and the archaic. While subordination and bondage are characteristics of many aspects of social life, agrestic servitude has formed historically the most important component. A consideration of the history of agrestic subordination of one class by another, inevitably becomes a history of the evolution of the class of agricultural labourers in India.

This introduction will be divided into three parts: *(i)* a brief discussion of the historical origins of the modern class of wage workers in agriculture, *(ii)* an analysis of the evolution of the class in the post-independence period, *(iii)* a brief review of the contributions to this volume.

Historical genesis

Was there Feudalism in Indian History? was the title of a recent presidential address to the Indian History Congress.[1] Without entering into the controversy in detail, we may note that the question itself can be posed only on a somewhat narrow concept of 'feudalism', namely, that variety represented by 'classical' West European medieval economy and society from about the eighth to

twelfth centuries, which was characterized by manorial organization and cultivation of the lord's demesne using the unpaid labour services of serfs. Of course, neither manors nor labour services existed in India (at any rate, not the systematic use of labour services for cultivation, though *begar* was exacted for other purposes). If however, 'feudalism' is conceptualized as a mode of production in the Marxist sense as Maurice Dobb does, then neither manors nor labour services are essential characteristics of feudalism. Following closely Marx's discussion in *Capital,* Dobb viewed feudalism as essentially the relationship between an enserfed peasantry which is obliged to part with economic surplus and a class of overlords which monopolizes property in land; the form of payment might be directly as unpaid labour services (labour rent), or as the product of surplus labour (kind rent), or the value of the product of surplus labour (cash rent); the specific form may vary, or there may exist a combination of two or more forms. The obligation on the peasant to part with surplus without payment is based on custom, backed by extra-economic coercion by the appropriating classes. This is essentially the concept R S Sharma adopts in his analysis of feudalism in ancient India.[2]

On this concept, the agrarian system of Mughal India (1526-1857), for example, can be regarded as a specifically Indian variety of feudalism, in which the surplus labour of the peasantry was appropriated as rent-cum-revenue (a fraction of the surplus being retained as kind rent by local overlords and the remainder being transmitted as cash revenue to the feudal state), within a centralized political structure, the Empire.[3] Similarly the economic formation of Tokugawa Japan (1600-1868) represents another form of Asian feudalism, in which surplus was appropriated in kind from the peasantry as rent-cum-revenue by the nobility headed by the Shogunate.[4] The structure of surplus appropriation of Imperial China represents an even more developed and politically centralized variant of feudalism.

There is however one very important point of difference among many others, between the Indian variant of feudalism and that of West Europe: and that is with respect to the existence to a substantial extent, of *precapitalist employer-labourer relations* in India In Europe the creation of a class of wage labourers proceeded with the disintegration of feudal production relations, the differentiation of the serf peasantry being hastened by wholesale

evictions and 'enclosures' which created the proletarian, the propertyless 'free' wage labourer. In India however, a class of propertyless labourers existed as an integral part of precapitalist economy and society. They were in hereditary servitude to the landed families, were forbidden to hold land, and were employed in agricultural production and certain specific tasks considered to be particularly menial, in return for their mere subsistence. Their landless servile status was bound up with a specific position in the caste hierarchy: without exception these labourers were termed 'outcastes', and the familiar forms of caste discrimination were enforced against them not only by their direct employers but also by the cultivating peasantry.

In a brilliant pioneering analysis, D D Kosambi has shown[5] how the institution of castes originated in the Aryans' transition in Late Vedic times from pastoralism to food production, in the course of which the aboriginal food-gathering tribes were assimilated into the new food-producing economy as exploited helots, as *shudras*, the further endless proliferation of sub-castes or *jatis* was linked to occupational specialization within the broader framework of caste/class hierarchy. The exploitative assimilation of tribals is a process which can be observed to this day in the remoter rural areas: as food-gatherers or tribals practising shifting cultivation are integrated into a system of plough agriculture, they become yet another 'inferior' sub-caste, or are considered outcaste, in the Hindu hierarchy of the established village.

All precapitalist economic formations are characterized by systems of hierarchy or ranking, since all of them are based on direct relations of appropriation of surplus, ultimately relying on extra-economic coercion (in contrast to the capitalist system, where the formal equality of the marketplace is reflected in the legal equality of all individuals and classes). As 'social estates' expressed the hereditary, institutionalized inequality of European feudalism, 'castes' are the specifically Indian expression of institutionalized inequality. Japanese feudalism also had its rigid hierarchy (the warrior nobility and Emperor at the apex and the artisans and peasants at the base without any political rights), as well as its own 'untouchables', termed the *burakumin*. (Kosambi suggests that the evolution of caste meant that the process of exploitative assimilation was perhaps marked by less open violence, and that India avoided the rigours of slavery, unlike classical Greece or Rome where conquered tribes were always enslaved. This proposition regarding the relative 'mildness' of caste

assimilation, is rather dubious: since the oppressed do not have historians, we have no means of knowing whether tribal and *shudra* discontent and revolt were not perhaps as endemic as slave revolts in European antiquity.)

The precapitalist employer-labourer relation existed throughout medieval India, but its quantitative and qualitative importance appears to have been greater in South India, notably in the Malayalam, Tamil and Telugu speaking regions. Habib points out that in the Mughal Empire, cultivation of *khudkasht* land of *zamindars* and other landed proprietors was carried on with landless labourers of hereditarily servile status. Since ample easily cultivable land was available at that time (hardly one third to one half of the land presently under cultivation in the Ganga-Jamuna basin was then under the plough), a servile landless class could only exist if they were forbidden to hold and cultivate land.[6]

In South India, at the beginning of the colonial period in the eighteenth century, it was found that the large estates of the local gentry *(mirasidar, Janmi)* were cultivated with labourers in hereditary servitude belonging to the 'untouchable' castes, and this had been the practice for centuries. Benedicte Hjejle, in an important paper, has shown that the extent and severity of bondage varied. In Malabar the hereditary labourer could be treated as a chattel slave, being bought and sold apart from the land. The East India Company's records of the eighteenth century show the purchase of slaves by it in Malabar, and such trafficking was quite common among the landed gentry. In the Tamil and Telugu speaking areas however, labourers were tied to particular leading families and their estates, and were not normally transferred to others except when the estate itself changed hands. Everywhere they were only given their bare subsistence in kind, were termed 'outcastes' and 'untouchable'. Apart from agricultural labour, all 'offensive' tasks such as handling dead animals, tanning hides and cremation of the village dead, were their tasks. The caste names of *pulaiyan, paraiyan, palla* were synonymous with bonded labour in hereditary servitude.[7]

From the analytical point of view, the local landlords who exploited these labourers in hereditary servitude, were appropriating *slave-rent* and *labour-rent*, respectively, and not profit. The return they obtained was not to the outlays of capital made in the production process, which under the capitalist system includes variable capital for the purchase of 'free' wage labour. The return they obtained was essentially a return to landed property, which they

monopolized: the entire surplus of net output value over the bare subsistence can be regarded as *labour-rent.*[8]

With conquest by Britain and the incorporation of British India into the world-wide system of colonial trade and direct surplus extraction, the position of the hereditary labourer tended to change, and the class of landless workers was greatly augmented. With regard to the first aspect, there was initiated a considerable migration of the worst-off labourers and the destitute to other parts of the Empire—to South Africa, Mauritius and the West Indies under the indentured labour system of recruitment. Simultaneously, the opening up of mines and plantations within the country also offered an alternative avenue of employment, albeit on a meagre scale. Migration from Madras Presidency is estimated to have been between 11 and 15 per cent of annual population growth throughout the nineteenth century, while plantations offered employment to one million people towards the end of the century. These factors tended to undermine—though not destroy—the traditional hereditary types of bondage in South India, where the formal, legal abolition of slavery in 1843 had failed. At the same time, however, the policies of the colonial state—free import of cheap manufactures, heavy revenue burdens, rigid collection in cash, application of the laws of distraint of property and imprisonment of defaulting debtors—led to a massive displacement of artisans on the one hand and pauperization of large sections of the indebted poorer peasantry into landlessness on the other. This both lowered the land-man ratio steadily and raised the share of agricultural labour in the rural work force. With the penetration of exchange relations, while the traditional forms of servitude were undermined, they were replaced more and more by monetized forms of bondage, i.e., debt bondage. The destitute labourer, 'freed' from his hereditary ties, or the pauperized peasant took a loan and mortgaged thereby his own capacity to labour as well as that of his descendants. (In Japan we see a similar process of transformation of hereditary *fudai* into indebted *hokonin.*)

The pre-colonial class of hereditary labourers thus came to form only one component of the modern class of wage workers, the main component being provided by pauperized sections of the peasantry. Dharma Kumar, in *Land and Caste in South India*, argues against what she considers the 'orthodox' Indian nationalist as well as Marxist view that colonialism was largely responsible for the creation of a large class of landless labourers. Yet her own estimates, from

early Census data on population by castes in Madras Presidency, show that even if all members of 'untouchable' castes are assumed to have been labourers in bondage, at the most 12 to 15 per cent of rural population, on the most generous estimate would have fallen into this category according to the four decennial Censuses between 1871 and 1901.[9] Yet by 1921 in Madras, agricultural labourers made up 36.1 per cent of rural population and this had jumped to 52.1 per cent by 1931. Allowing for all problems of comparability of the Censuses, the trend of sharp increase is unmistakable and is repeated in every region of British India to varying degrees. As may be seen from Table I, the percentage of agricultural labourers in population supported by agriculture in British India nearly doubled to 25 per cent in 1901 compared to 13 per cent in 1891, no doubt an abnormal increase because of the famines of the previous decade, declining slightly to 22 per cent in 1911, then rising steadily thereafter to 30 per cent in 1931. By the last date, the world-wide agricultural depression was already nearly five years old.[10]

This is a very high percentage of agricultural labourers in rural work force by international standards; at the same date, many advanced capitalist countries in Europe and the New World (Austria, Germany, France, Canada and the US) recorded a similar figure, which was exceeded only by England. As we have argued elsewhere, it would be highly misleading to regard the mere existence of a large class of agricultural labourers—quantitatively comparable with that in the advanced capitalist countries—as indicative of the existence of a comparably large capitalist sector in agriculture. The historical genesis of the class of agricultural labourers in, firstly, precapitalist employer-labourer relations transformed to a monetized basis on the one hand, and secondly in peasant pauperization rather than proletarianization, must be kept in mind. The formulation we had put forward some years ago was that under these conditions, agricultural production with wage labour is best regarded as constituting a necessary but not a sufficient condition of capitalist production: a sufficient condition for defining agrarian capitalism emerges only when the employment of hired labour is accompanied by *accumulation*, i.e., reinvestment of surpluses and expansion. We see no reason to change this judgement today.[11] On this definition, the capitalist sector proper was far smaller at independence than the size of the agricultural labour force would indicate. There were a few large scale enterprises run on the basis of hired labour for

Table 1A

OCCUPATIONAL DISTRIBUTION OF RURAL POPULATION AND PROPORTION OF AGRICULTURAL LABOURERS, 1871-1931

(millions)

Occupation	Adult male workers 1871-72	Male workers 1881	Population supported 1891	1901	1911	Working population 1921	1931
(1) Total agricultural population of which	45.7	83.7	200.0	204.1	225.3	106.3	111.0
(2) Owner-cultivators	37.5	71.2	175.4	152.7	167.0	74.7	28.4
(3) Rent-receivers[1]	...	...	...	...	7.7	3.7	4.2
(4) Tenant cultivators[1]	...	...	...	...	...	...	36.2
(5) Agricultural labourers	8.2	12.5	25.5	52.4	50.6	27.8	42.2
a) Farm labourers	...	...	...	33.5	41.2	21.7	33.5
b) Unspecified	...	...	...	16.9	8.3	5.1	7.5
c) Plantation labourers	...	...	...	1.0	1.1	1.0	1.2
Per cent of (5) to (1)	17.9	14.9	12.8	25.7	22.5	26.2	38.0

1. Whenever separate data is not shown for rent-receivers or tenant cultivators their numbers are included in owner cultivators.

Source : S. J. Patel, *Agricultural Labourers in Modern India and Pakistan*, Bombay, 1952, pp. 14-15.

profit, particularly in market-gardening, orchards and dairying, which had grown in response to urban demand; but as Surendra Patel estimates, such capitalist enterprises would have accounted at most for seven to eight per cent of total agricultural production.

By contrast, scholars, who have accepted—in our view erroneously—cultivation with hired labour as a *sufficient* index of capitalist production, put forward much higher estimates of the size of the 'capitalist sector' in agriculture in the post-independence period. Both S C Gupta and Grigory Kotovsky, by taking the area mainly cultivated with hired labourers as a sufficient index of capitalist production, come to the conclusion that the 'capitalist sector' accounted for between a quarter to a third of the area operated in the late 1950's; Kotovsky further characterized this allegedly large capitalist sector as 'leading, though not dominant' sector in Indian agriculture.[12] On this logic, extrapolating backwards to the 1930's, we would be obliged to accept the existence of an even larger capitalist sector than compared to the post-independence period, which would be in patent contradiction with reality.

The origin of agricultural labour, in large part in a process of peasant pauperization, in a situation of falling land-man ratio and insufficient growth of alternative employment owing to the very low rate of industrialization in the colonial period, gave rise to acute underemployment. This underemployment was not merely owing to seasonal factors; there emerged an element of chronic under-employment regardless of season. Such 'peak-season' unemployment characterized not only the full-time labourers but also the peasants with land who seasonally joined the ranks of wage-paid labour, i.e., the semi-proletarian or poor peasant households. The first surveys of agricultural labour, carried out in the immediate post-independence period, showed acute underemployment of the casual labourers in particular. The structural dimensions of rural underemployment and the creation of a vast pool of unutilized surplus labour, will become clearer in the course of our discussion of the following data.

Features of the post-independence situation

For the first time in the history of modern India, a conscious strategy of attempted capitalist development initiated through large scale State investment, was sought to be followed from 1950. Under

the Plans, particularly from the Second Plan onwards, large investment outlays were made in order to recapture—some eight decades too late—the Japanese path of capitalist development (though this attempt was clothed in populist terminology, paying lip-service to the desirability of a socialist form of society).

A leading economist, M Kalecki, pointed out as early as the mid-1950's that the financing of State investment in an India-type economy was bound to be inflationary, because first, owing to its class basis the State would not tax or otherwise raise resources to the required extent from the landlords or from the traders and industrialists, but rely more on indirect taxation of the masses and forced savings; and second, the production of wage goods remained severely constrained by the absence of effective land reform.[13] His prediction was made at a time of stable prices, but was fully borne out from the late 1950's, as the impact of the Second Plan was felt in the initiation of an inflationary spiral—considerably aggravated from the mid-1960's with the slowing down of agricultural growth—which continues to this day.

Inflation represents a redistribution of incomes, from commodity buyers to commodity sellers (with the exception of one type of commodity seller, namely, sellers of labour-power), from the wage and fixed salary earners to the employers both in the industrial and agricultural sectors. A worsening of income distribution is the logical outcome of this type of financing of the growth process, in which wage-paid labour has been the major loser. Despite its far higher level of organized resistance, workers in the industrial sector have not improved their real earnings position to any notable extent compared to 1939: among the unorganized rural labourers real earnings have fallen, as we shall see below.

Agriculture and agrarian relations were subjected to *three* main types of exogenous influence in the post-1950 period: *(i)* direct intervention in agrarian relations in the form of land reforms legislation with a particular content and objective, *(ii)* initiation of a 'new agricultural strategy' from 1960 for promoting modern technology and *(iii)* the indirect effects of an expanding domestic market for agricultural products as a result of large scale State expenditures mentioned above, which led to an inflation in foodgrain prices outstripping inflation in prices of other goods.

Agrarian reforms

Although the declared objective of agrarian reforms, as formulated by the Congress Agrarian Reforms Committee, was 'land to the tiller', the actual content of the laws was indeed the very opposite of this. Three main aspects of the reform laws may be distinguished: *(i)* 'abolition' of the feudal tenures such as *zamindari, jagirdari* and *inam*, and the establishment of a uniform tenure system consisting of landowners with the right to transfer, and occupiers of land without the right to transfer. 'Abolition of feudal tenures' did not mean doing away with landlordism, or even ending land monopoly in a few hands: for the feudal landlords could keep large areas by calling it *khudkasht* or 'personally cultivated' land, evicting tenants in the process, and then claiming full ownership right on it. The legal provisions did not aim so much at 'abolishing the intermedlary', as at preserving his dominant landholding position, provided he undertook to change his *form* of domination, from indirect cultivation through tenants to direct cultivation through hired labour. The crucial provision in this respect was that allowing the landlord to 'resume' land for 'personal cultivation', where the latter was defined to mean cultivation *(i)* by one's own labour or that of family members, *(ii)* through servants payable in cash or kind wages but not in share of crop, *(iii)* through casual hired labour under the direct supervision of the landowner or his family members. Thus the intermediary could retain large areas provided he claimed to cultivate directly through hired labour. The recommendation of the official Panel on Land Reforms that 'personal cultivation' should apply strictly to the performing of manual work in the fields, was ignored. At the same time, for that portion of their feudal estates which was taken over by the government, the intermediaries were paid generous compensation. The Reserve Bank of India estimated total compensation payments at Rs 670 crores, of which Rs 360 crores had been paid by 1975, and payment was continuing.[14]

The thrust of the laws was thus to turn rentier landlords into capitalists while allowing them to retain their land monopoly and paying heavy compensation for the minor part of the estates which was taken over. Many landlords in Western Uttar Pradesh, Gujarat and Rajasthan did use compensation money to intensify production on a mechanized basis on land from which tenants were mercilessly evicted, and they constituted an emergent trend of landlord-capitalism (or 'semi-feudal capitalism', to use a term first employed

by Lenin in the Russian context). The impact on the poorer peasants of eviction on a mass scale was that they joined the ranks of agricultural labour,[15] or of unrecorded tenants-at-will.

The second aspect of the reform laws was the conferring of permanent heritable rights of possession on certain categories of tenants, who had the optional right of purchase of land vested with the government. These rights however did not apply to the ordinary mass of the tenants. (In Bihar, an attempt by the government in 1963 to record tenancies was met by armed landlord resistance and was called off. In West Bengal, the *bargadars* who account for three-tenths of the area under cultivation had no legal existence until recently when under 'Operation Barga' their tenanted area is being recorded.) We have already seen how a large proportion of even the more privileged 'protected' tenants were evicted. However, 'tenants' is an extremely heterogeneous category; while the majority were poor or middle peasants, a thin rich peasant stratum also existed who owned land in addition to the plots they rented and already cultivated, mainly with hired labour. It was this stratum which not only resisted eviction successfully, but, because they had ready cash or access to credit, could purchase ownership of the areas which had vested with the government by paying a price which was some stated multiple of the land revenue. The intermediaries' land with the government went to this top stratum of the peasantry, enabling them to expand the scale of cultivation.

Tenancy legislation, by not distinguishing between the different classes among the tenants, promoted a sharp differentiation: the poorest, being evicted and joining the ranks of landless labour, and the best-off tenants, on the contrary, purchasing ownership and enlarging their holdings. Only when evictions were substantially over were some provisions about minimum area to be left with the tenants incorporated into the laws.

Third, 'ceilings' or maximum limits were placed on individual landholding. West Bengal was the earliest in this regard since a ceiling of 25 acres was incorporated in the Land Reforms Act of 1953, while most States passed ceilings legislation only in the 1960's. The ceiling levels were very high initially, and being on an individual basis, permitted fictitious partitioning and transfers resorted to by landlords to retain their land monopoly. The amount of the land taken over by the government under the ceilings provisions has been minute, a very small proportion of this has been distributed to the landless,

since much of it was found to be unfit for cultivation or cultivable only after heavy capital expenditure.

The net effect of the implementation of land reform laws on the labouring poor, so far, has been to perpetuate the old, semi-feudal forms of bonded and attached labour on an increasingly more monetized basis while providing an impetus towards capitalist production for profit. The ranks of the landless were swollen by evictions of the poorer peasants, to a much greater extent than they were reduced by meagre allotments of homestead land in a few areas. Along with landlord, semi-feudal capitalism, an impetus has been provided also to the expansion of the rich peasants, who are the only beneficiaries among the peasantry, from the little land redistribution which has taken place. Table I shows the sharp rise in the proportion of agricultural labourers in rural work force between 1961 and 1971 according to Census returns.

New agricultural strategy

The impetus towards capitalist production by the landlords and the topmost section of the peasantry, has been sought to be encouraged by the 'New Agricultural Strategy' from 1960. This involved dissemination of a package of new inputs at initially subsidized rates (fertilizers, high-yielding seeds, pesticides) in irrigated areas; at the same time cheap credit was extended, through land mortgage banks and the State Bank of India, for investment in new technology. In the course of field work carried out in various parts of the country in 1969 (Thanjavur and Coimbatore in Tamil Nadu, Mysore and Mandya in Karnataka, Guntur and West Godavari in Andhra Pradesh, Puri and Sambalpur in Orissa, Kaira and Ahmedabad in Gujarat), the author found ample evidence of a substantial investment in new technology by the landlords-turned-capitalists and rich peasants, on the basis of cheap institutional credit from the banking system (a nine per cent interest on bank loans may be compared with rates ranging from 18 per cent to 44 per cent per annum, at which these same emerging capitalists were found to loan money to the poorer peasantry). Apart from intensification of capital application on a given farm area, these favoured classes were also expanding the land area under their command, through leasing in and through purchase (of vested lands and cultivable land from the government at nominal price ranging from Rs 100 to Rs 200 per acre).

The new technology is widely recognized to be land-augmenting in character, i.e., it raises the yield on a given area from a given crop while permitting also multiple cropping of a given area. These two factors together lead to an increased demand for labour in those regions where considerable adoption of new tecnnology has taken place. It was also found that there was a strong tendency on the part of the new capitalists to pay labour increasingly in cash rather than in *kind*, while even where payment continued to be in kind, the basis of its computation was to determine a cash wage and then pay the commodity-equivalent. This is more profitable for employers in a situation of rising prices, and almost invariably means falling real wages for labourers.

Inflation and profitability

The third exogenous influence on the agrarian sector has been the strong inflationary tendency inherent in Indian Plan implementation, to which we have earlier referred. While all prices have been rising since 1958, the prices of foodgrains have been rising at a faster rate than those of any other commodity, at least till 1975-76. As a result the net barter terms of trade between agriculture and manufacturing (with base 1960) began improving in favour of agriculture, and improving fairly sharply from 1963 onwards. (A reversal of this has become visible only in the last few years.)[16] This sharp rise in agricultural prices benefited those who sell a high proportion of output, namely, landlords and rich peasants; and it gave a stimulus to the capitalist tendency, by raising the profitability of investing in expanding agricultural output through the use of new techniques, which of course also involved higher outlays on hired labour. At the same time the small peasants, being very small scale sellers of commodities, hardly improved their position, while the poor peasants and landless labourers who are net buyers of commodities, lost out from the inflationary process. On balance the distribution of income over the rural classes has been worsening during this period.

On the basis of the primary field work among landlords and rich peasants in 1969, to which we have earlier referred, we found that the profit rate on capital advanced in production (machinery and equipment plus working capital advanced) was as high as 49 per cent on average for over 66 sample farms, while if the land value was also included, the profit rate was 15 per cent. (Land value should

not be included, strictly speaking, since the households had inherited land and did not have to purchase it.) This is an extremely high profit rate which gives a higher income to the capitalists than they could obtain from leasing out their land on rent and using elsewhere the money they had actually used for production, such as in money-lending or trade.

We had also found that the ratio of profit generated in production to the wage bill was extremely high at 330 per cent on average; this ratio indicates the rate of exploitation of wage workers. For comparison, in small scale industry, where labour-intensive techniques are used and the rate of exploitation can be expected to be high also, the actual percentage of profits to wages is seldom above 200. The very high percentage of profits to wages in the case of the landlords-turned-capitalists and rich peasants (the former category made up the bulk of the holdings being considered) arises from the exceptionally low wages they pay to labourers. Not only is the initial level of wages low, but in an inflationary situation, it is cut by the employers by using various methods of wage payment which imply falling real wages.[17]

Immiserisation of agricultural workers

At the same time that the combination of all the tendencies summarized above was leading to a trebling of wheat output in 'Green Revolution' areas (while leaving output at stagnant or even deteriorating levels in the rest of the country), to concentrated investment in new technology by the labour-hiring classes, and the reaping of high profits by rural employers everywhere, we find that real wages of agricultural labourers show a drastic decline, while their employment situation, far from improving, also shows a slight deterioration. The Third and Fourth All-India Rural Labour Enquiries were carried out in 1963-64 and 1974-75 respectively. In Tables II and III we have summarized the information on employment and on real earning at these two dates.

It will be seen that annual employment for all types of labourers (which was already low to begin with, involving a total of two and a half months' idleness for men and five months' idleness for women) declined further during the decade 1963-64 to 1974-75. At the same time the real wage rate per day worked, also fell. The official figures give only the money wage rates and money earnings, which show a deceptively impressive rise. We have obtained the real values, by

applying the official consumers price index number for agricultural labourers to the money values. The fall in real earnings is drastic if 1963-64 is compared with 1974-75, since inflation reached a peak in that year: for men real earnings were only two-thirds, and for women and children only one half, compared to earlier earnings. Because it may be argued that the rate of price rise moderated somewhat in the next year, we have also calculated real earnings in 1974-75 using the 1975-76 price index; i.e., assuming, as it were, that prices did not rise as much as they in fact did. Even so, male earnings show a decline by a quarter while female earnings decline by 15 per cent.

Since initial earnings did not give a bare subsistence to the majority of labourers, the significance of this decline in human terms may be imagined. The degree of poverty in rural areas has increased considerably. This however, is the 'average' picture. If, as is claimed by many, in regions like Punjab-Haryana, real earnings have been maintained during this period, it implies that the decline has been even more drastic in the remaining areas of the country than the average figures indicate. As may be expected, the labourers facing such a large decline in their real incomes are forced to take loans to survive: the real burden of indebtedness in 1974-75 is found, in the same surveys, to be double the level of 1963-64, a much higher proportion of it being now taken from moneylenders. Nothing has happened in the last five years to change this tendency.

In this context it may be mentioned that 'bondedness' of labour is not a static phenomenon. While debt bondage has always existed, we may expect it to *increase* rather than decline, given the increasingly desperate economic situation faced by rural labour. The sporadic focusing of media attention on bondedness and a few well-publicised cases of ritual 'freeing' of bonded labour count for nothing against the relentless economic logic of the inequitable, inflationary path of attempted capitalist growth which has been followed in the last three decades. Even in the most advanced, most prosperous areas in India, such as Punjab-Haryana, we find that even though the labourers' lot is somewhat better than elsewhere, indebtedness is built into the wage contract itself and that labourers fail to reach the 'poverty-line' levels of consumption.

Some data from Haryana

We have recently analyzed the employment and incomes data from a sample of 120 landless labour households drawn from all the

regions of Haryana in the year 1972-73. These show that, with the increased demand for labour following the adoption of Green Revolution technology, employers are going in more for long-term renewable contracts, to assure themselves of labour 'on tap' all the year round. Just as a privately owned tubewell gives a better control over the time-distribution of water supply and therefore represents a better quality of irrigation from the employer's viewpoint, similarly labourers on longer-term contracts mean greater control by the employer over the time-distribution of labour for agricultural operations.

TABLE I

AGRICULTURAL LABOURERS AS PER CENT OF TOTAL OF CULTIVATORS AND LABOURERS, STATES RANKED BY 1971 VALUES

	1961	*1971*	*Index 1961-100*
India	24.04	37.79	157
Kerala	45.38	63.29	139
Andhra Pradesh	41.62	54.07	130
Madras	30.45	49.35	162
Bihar	29.89	47.31	158
West Bengal	28.44	45.28	159
Maharashtra	34.04	45.20	133
Mysore	23.27	40.02	172
Orissa	23.04	36.52	158
Gujarat	21.69	34.27	158
Madhya Pradesh	20.96	33.14	159
Punjab*	—	32.09	—
Punjab & Haryana*	11.98	28.96	242
Uttar Pradesh	15.03	25.78	172
Haryana*	—	24.83	—
Assam	5.30	14.42	272
Rajasthan	5.29	12.54	237
Jammu & Kashmir	1.57	4.50	286

Source: Census of India 1961 and 1971, *Primary Census Abstracts.*

*For 1961 the figure for united Punjab is given. In 1965 the State was divided into Punjab and Haryana. 'Punjab' is referred to in the latter sense.

The Census of 1981 had been completed at the time of writing but the occupational structure had not been released. It may be noted that many Census analysts consider the 1971 figures to be overestimates but do not specify by how much.

The terms of contract were found to be the following: at the end of June when new contracts are made, the labourer is paid an advance of four to five months' wages: this may be paid in cash, or in a combination of cash and commodity equivalent. Since the next payment of wages is six months later in January (Lohri day), the labourer is obliged to borrow to the extent of one to two months' wages, and this is commonly done via the employer. The employer

TABLE II

DAYS EMPLOYED ANNUALLY PER WORKER (AGRICULTURAL LABOUR HOUSEHOLD) IN 1963-64 AND 1974-75

	Wage employment			*Self plus salary employ-ment*	*Total employ-ment*	*Idle Days*	
	Agri-cultural	*Non-agri-cultural*	*Total**			*Lack of work*	*Total**
Men							
1963-64	208	27	235	31	272	48	75
1974-75	185	25	210	36	246	76	103
Women							
1963-64	138	15	153	27	183	96	153
1974-75	129	14	143	36	179	124	171
Children							
1963-64	167	35	202	63	280	92	92
1974-75	145	26	171	83	254	107	107

Source: All India Rural Labour Enquiry 1974-1975. *Summary Report,* Chandigarh, 1978.

*Total includes days for which work-type or type of idleness is not known.

may himself take a cash loan from a cooperative or a bank and relend to the labourer at a higher rate of interest, pocketing the difference, deducting the amount due from the next payment of wages. Or the employer may stand guarantor to the labourer's borrowing directly from the creditor, the amount being repaid out of the next wage instalment. Or the labourer may draw his loan in the form of commodity-equivalent from the trader with whom the employer has dealings. The trader then adjusts the loan with interest, against payment to the employer for grain deliveries, while the employer in turn deducts it at the next round of wage payment. In mid-January, even though the labourers are entitled to receive eight months'

wages, since two months' wages and more are deducted in repayment of the loan as well as interest, they can barely make do with the remaining advance until end-June, and thus end the year in the employer's debt. Thus, indebtedness is built into the contract, and arises because the labourer is deliberately not paid a high enough wage to ensure subsistence over the season, while the high interest

TABLE III A

ANNUAL MONEY EARNINGS PER AGRICULTURAL LABOURER
1963-64 AND 1974-75

	Daily earnings (rupees)		*Annual money earnings (rupees)*			*Percentage of 1974-75 to 1963-64 earnings*
	Agri-cultural	*Non-agri-cultural*	*Agri-cultural*	*Non-agri-cultural*	*Total*	
Men						
1963-64	1.43	1.54	297.44	41.58	339.02	100.0
1974-75	3.24	3.27	599.40	81.75	681.15	200.9
Women						
1963-64	0.95	0.92	131.10	13.80	144.90	100.0
1974-75	2.27	2.12	292.83	29.68	322.51	222.6
Children						
1963-64	0.72	0.74	120.24	25.90	146.14	100.0
1974-75	1.82	1.84	263.90	47.84	311.74	213.3

rate on the mandatory loan implies a deduction from the recorded wages. The labourer may work for another employer, only if the latter is willing to pay off his debt to the present employer; i.e., the creditor status then gets transferred to the new employer. Thus the entire mechanism of payment is such that a period of financial stress and enforced borrowing is imposed on the worker.[18]

The casual labourer's earnings are much lower than those of the labourer on contract; on the other hand, since he faces uncertainty of employment, he works proportionately even less than the farm servant, so that the daily wage of the casual worker turns out to be higher than that of the contract worker. If the casual worker is underemployed, the worker on contract, representing as he does a fixed cost to the employer, is worked very hard indeed, and

overworked during peak work-load periods. In a six-month season, the 76 permanent workers in the sample worked, on average, 183 days each, while the 82 casual workers were employed for only just over one third this number of days—62 days on average. The solitary female contract worker reported 190 days while the 67 casual women

TABLE III B

REAL EARNINGS PER AGRICULTURAL LABOURER, 1963-64 AND 1974-75, RUPEES AT 1960-61 PRICES

	Real earnings I		*Real earnings II*	*Consumer price index no. for agricultural labourers in selected years*			
	1963-64	*1974-75*	*1974-75 (II)*				
Men	282.53	185.10	214.87	1960-61	100	1971-72	200
Women	120.75	60.48	101.74	1963-64	120	1972-73	225
				1965-66	158	1973-74	283
Children	121.75	57.96	98.35	1969-70	193	1974-75	368
				1970-71	192	1975-76	317

Source: Calculated from data in All-India Rural Labour Enquiry 1974-75, *Summary Report,* Chandigarh, 1978, and *Reserve Bank of India Bulletin,* December 1976.

Note: Real Earnings I are obtained by using price index of 1974-75 (368) to deflate the money values and Real Earnings II are obtained by using the price index of 1975-76.

workers reported only 35 days' employment on average. The permanent workers earned Rs 800 for the average season, compared to only Rs 310 earned by the casual worker. The very low earnings from agricultural labour forced these workers to supplement their earnings by working in cotton ginning and brick-making enterprises on wages, and to engage in the sale of milk. Non-agricultural wages and income from livestock products made up 10.5 per cent and 16 per cent respectively of their total incomes. Hiring out of animals, self-employment in a trade, and remittances were other minor sources of income, the bulk of which (70.5 per cent) came from agricultural wages. With all this effort however, it was found that the average income of all categories of workers taken together fails to reach the 'poverty line' of Rs 20 per capita per month at 1960-61 prices (which is the figure adopted by the Planning Commission).

Table IV shows the amount by which actual income deviates from various concepts of poverty level.

TABLE IV A

EARNINGS OF LANDLESS LABOUR HOUSEHOLDS IN RELATION TO POVERTY LEVELS

1	*2*	*3*	*4*	*5*
Alternative poverty levels at 1972-73 prices	*Per capita income required for six months season (rupees)*	*Average number of consumers per household*	*Required income per household for six months season (2 × 3) (rupees)*	*Actual income minus required income [Rs 1227.88 − (3)]*
(1) Rs 43.60	261.60	5.76	1506.82	− 278.94
(2) Rs 43.06	258.36	5.76	1488.15	− 260.27
(3) Rs 32.70	196.20	5.76	1130.11	97.77

TABLE IV B

EARNINGS OF CULTIVATING HOUSEHOLDS WITH 15 ACRES AND LESS IN RELATION TO POVERTY LEVELS

Deviation of Actual Household Income from Required Income

Alternative poverty levels	*Rich peasant*	*Middle peasant*	*Small peasant*	*Poor peasant*	*All*
(1) 43.60	802.73	599.19	161.32	574.64	81.99
(2) 43.06	818.86	616.72	140.66	556.58	100.99
(3) 32.70	1095.72	917.69	214.07	246.34	426.65

Note: The required household income for six months has been obtained by multiplying each poverty level by 6 and by the number of consumers in each economic class. The deviation of actual household income from the required income so obtained is given above.

Poverty level (1) is the figure, adjusted for price rise to 1972-73, adopted by the Expert Group of the Planning Commission, viz. Rs 20 per capita per month at 1960-61 prices. (2) is the estimate by a research scholar, S Khatri, in an unpublished paper based on the estimates of the Nutrition Expert Group, ICMR. (3) is the Dandekar-Rath estimate of Rs 15 per capital per month at 1960-61 prices adjusted to 1972-73.

If this is the situation in one of the most advanced areas of the country which has seen substantial money wage rise, the plight of labour in the low growth and stagnating regions of Eastern and Central India may well be imagined. The worst off are the labourers of those areas which have seen low growth, on the one hand, and where the organization of labour is also little developed or non-existent; this applies especially to the vast rain fed regions of Eastern Uttar Pradesh, Bihar, Madhya Pradesh, the Marathwada area of Maharashtra, the Rayalseema area of Andhra Pradesh, the arid areas of Rajasthan and Gujarat and Northern Karnataka: in short, to much of peninsular India. That improvement in the status of labourers has little to do with agricultural growth rates and much more to do with labour organization, can be seen from the experience of Kerala and West Bengal. These are medium to low growth areas, but owing to labour organization in a political climate favourable to it, these are the only areas where the attack on labourers' living standards inherent in inflation continues to be combated more successfully than elsewhere through strike action to raise money wage rates, food-for-work programmes, implementation of minimum wages, unemployment relief and pensions for aged workers.

It is interesting to find from our data for Haryana that several categories of the peasantry are, unbelievably, even worse off than the labourers in terms of income relative to consumption levels. In the course of the same survey mentioned earlier, 242 households cultivating less than 15 acres were also canvassed. These 242 holdings, we have classified on the criterion of type of *labour-use*; those who labour for others (whether in return for wages or a share of the crop) to a greater extent than they are self-employed, were found to comprise some nine per cent of the holdings; while the small peasantry, defined as the primarily self-employed producers (neither working for others, nor employing others) made up 53 per cent. In addition there were six very poor households without persons of working capacity: all these, making up 64 per cent of the holdings, failed to reach the poverty line (as defined by the Planning Commission). In terms of absolute income per holding, the small peasants are found to earn a little more than the average agricultural labourer household, but owing to their larger average family size, their income deviates downwards from the given poverty level to a greater extent. The poor peasants are substantially worse off, compared to the landless labourers, the main reason being that their

income from cultivation is slashed to one-half owing to payments of rent and interest to landlords and moneylenders.

A few words on the concept of 'poverty line' is necessary here. This is generally a gross underestimate of the actual cost of reproducing labour power, i.e., of what may be regarded as a minimum standard of life, for it takes only the food requirements on the basis of certain specified calorie levels, and ignores the non-food necessities such as a minimum of clothing, shelter and fuel. Thus the Dandekar-Rath estimate of Rs 15 per capita per month at 1960-61 prices for rural areas, referred to the money value of food required for a certain calorie intake; it did not include non-food necessities. Even as regards food, the basis on which the calorie intake was arrived at, was not specified by Dandekar-Rath, and is thought to be an underestimate by many. An independent researcher, S Khatri, basing himself on the ICMR's detailed recommendations of minimum calorie intake by age and sex, has arrived at an estimate 33 per cent higher than that of Dandekar-Rath, namely Rs 20 per capita per month at 1960-61 prices. This may be regarded as far more accurate, while the Dandekar-Rath level is below-subsistence rock-bottom. S Khatri's figure is the same as that adopted by the Planning Commission, who added Rs 5 to the Dandekar-Rath figure, on account of non-food necessities, with the difference that the first refers to food intake alone, and the second to food plus non-food necessities. Needless to say, a realistic assessment of the *cost of reproducing labour power*, would imply a level of at least Rs 25 per capita per month at 1960-61 prices (assuming, as NSS studies on consumer expenditure show, that food accounts for 80 per cent of the expenditure in the lowest expenditure groups).

The fact that 64 per cent of our below-15 acre sample holdings in Haryana fail to reach realistic poverty levels (they would comprise about 40 per cent of total cultivating households), while the average agricultural labourer also falls short, is indicative of the fact that the much-trumpeted Green Revolution's benefits have not 'percolated down' to the rural poor, as many recent writings have wrongly asserted. It is also indicative of the abysmal position of agricultural labour in other less favourably placed areas of the country, since the Haryana earnings are far higher than the national average.

Women labourers occupy a special position. While the participation rate of rural women in productive work has been tending to fall over time according to successive Censuses, in the case of agricultural labour, the worsening economic situation drives more women to work for wages not only in agriculture, but also in manufacturing enterprises (cotton ginning and spinning factories, brick-making). From our data for Haryana, we found that as high as 84 per cent of the women in the labourer families referred themselves as workers, though only 51 per cent were engaged in wage-paid work. The others looked after cattle, including cutting grass and leaves for fodder, milking, preparing milk products and selling them. Milk production and sale improved their meagre diet slightly, and also brought in a small cash income amounting to one-sixth of their total household income. Of the women in wage-paid work all but one were casual labourers. Their daily wage rate, which varied depending on the operation involved, was generally two-thirds to three-quarters of the male wage for the same operation. (Women got two rupees and a meal where men received three rupees and a meal, and they got three rupees where men got four rupees daily.) The earnings per season for women wage workers were only Rs 160 per worker, or 30 per cent of the male workers' earnings. The ratio of female to male earnings is much worse than the ratio of female to male wage rates, mainly because there were almost no permanent labourers on contract among women (only one out of 68), while nearly half the men were on long-term contracts, and, as we have seen, the earnings from such contract labour are considerably higher. Female labour in agriculture thus displays the usual characteristic found in the economy as a whole, of being employed in less paying occupations and also obtaining a lower wage rate for the same job. In any movement for raising labourers' wages, special attention has to be paid to the undoubted existence of discrimination against women workers. The child worker's earnings refer to a different category of work—herding cattle—which therefore is not quite comparable with agricultural operations.

A major problem with regard to the organization of labourers for asserting their legitimate rights is that it is likely to pit them against not only the landlords and rich peasants but also a very substantial section of the cultivating peasantry, namely, the middle peasants. This is because the hiring of labour is not confined to the landlords and rich peasants alone, though they do, of course, constitute the

major employers of labour. In an intensive monsoonal or irrigated agriculture, which is typical of a large part of our cultivation, a certain demand for, and use of, hired labour exists even on the part of the middle peasants. This demand for labour is maximum in the transplanting and harvesting season in paddy growing areas, and during harvesting elsewhere. At these times a seasonal, temporary labour shortage is felt even by the middle and small peasants. Mutual exchange of labour, common for other operations, does not work when everyone has to get the harvest in, and hiring of labour is resorted to. We found from analysis of the Haryana data, for example, that harvesting was often the only operation for which many middle and small peasants hired labour.

A consequence of this fact is that wage struggles by labourers tend to be opposed not only by the rural exploiters—landlords and rich peasants—but also by a substantial section of the peasantry, making the opposition against such struggles quite a formidable one at the level of the village. Further, in the course of wage struggles in some concrete cases, it has been found that the middle peasants are more adversely affected than the big exploiters of labour. In the wage agitations of the late 1960's in the Thanjavur district of Tamil Nadu, for example, strike action at harvest time could be carried out with great success since this is a virtually mono-crop area and there was a concentrated demand for labour. Wage rates for harvesting were raised. But, the bigger landlords brought in labour by the lorry load from the neighbouring Ramnad district and avoided paying higher wages, whereas the local rich and middle peasants could not afford to do so and had to pay the higher wages. Thus the wage struggle, while necessary and legitimate, raised afresh the question of the agricultural labourers' struggle for a better life and its relation to their unity with the cultivating peasantry against landlordism. On the wage-question, only the wholly self-employed small peasants may be expected, along with the poor peasant tenants, to support the cause of the labourer.

In the course of the Thanjavur struggles it was found that in some cases the social barriers between *harijans* and other 'low caste' but non-*harijan* 'touchable' poor peasants were substantially broken. The experience of undertaking joint economic struggles then also led to a breaking down of the social barriers—with regard to eating together, for example—between the *harijan* and the non-*harijan*.

In most regions of the country, the agrarian social structure is far from polarized, so that the agricultural labourers and poor peasants do not form a decisive majority of the village population. To the extent that land concentration remains extremely acute, and capitalist exploitation is being carried out by landlords making full use of the precapitalist relations of subordination of labourers, there remains an identifiable minority of big landowners in every village. But it is no longer the case that the entire peasantry is, or can be, easily united against the minority. The effect of tenancy reform was to greatly accelerate the process of class differentiation within the peasantry itself. The majority of poor and middle peasant tenants was evicted and converted to labourers and tenants-at-will, while a minority of rich peasants improved its position. This minority is the repository of the tendency for the growth of capitalism within the peasantry. Not only has it benefited from tenancy reform by enlarging its holdings, it has also, along with the landlords but to a lesser extent, cornered the benefits of new yield-raising production techniques owing to its better ability to invest, compared to the rest of the peasantry, and its better access to the government and to lending institutions. The rich peasant minority constitutes a developing peasant bourgeoisie primarily producing with hired labour. Not only is its objective class interest one of antagonistic contradiction with the wage labourer, but having derived the benefits of tenancy reform, in most regions it is now opposed to any further measures for restricting land concentration, such as an effective, sufficiently low level of 'ceiling' which might curb its own expansion. Since in its cultural level and habits of life the rich peasant minority is not divorced from the rest of the self-employed peasantry—the middle peasants and small peasants—and is further linked to these classes through ties of caste, it can exercise a strong ideological influence over these classes too.

This very clear process of class differentiation within the peasantry in a capitalist direction has thus caused a sharp cleavage in the unity of the entire peasantry against landlordism, which was such a marked feature of the agrarian struggles of the 1940's and early 1950's such as in Telengana or Kakdwip. On the other hand, the new types of capitalist exploitation and the resulting developing landowner-labourer contradiction have also not gone far enough so as to constitute the labourers and poor tenants into a decisive majority. It is this fact which makes for the complexity of the

present situation.

The essays in this volume attempt to bring together diverse aspects of bondedness and exploitative employer-labourer relations within the rural population. No other society in the world, perhaps, is as burdened by the memories and material survivals of its ancient past, as is the Indian; anachronistic precapitalist social relations and ideology form an incubus on the new society painfully attempting to chart a capitalist path of development. Marx's prescient observation of a century ago remains as true today as then, to the effect that Indian society suffers not only from the development of capitalism, but also from its insufficient development.

The historical roots of the present status of the bonded and unfree, are traced here in three essays. Uma Chakravarti discusses the evolution of the institution of slavery in ancient India. While chattel slavery in this country never appears to have formed the virtually exclusive basis of production as it had in the Graeco-Roman model, servitude was sufficiently important for the Late Vedic and subsequent law-givers of the Mauryan period and after, to undertake a minute classification of the types of slaves or *dasas* by their origin and mode of acquisition. Slavery appears to have originated in the Aryan conquest and assimilation into the caste structure of autochthonous peoples who were enslaved (two of which, *shudra* and *dasa,* gave their names to the generic term for slaves and outcastes). But individuals other than these could also be enslaved in return for subsistence, or in default of debt. This leads the author to stress that servitude is best looked upon as a continuum, comprising various degrees of unfree status; and that the relative importance of different types of servitude altered over time with economic expansion.

The transition from semi-nomadic pastoralism to an agro-pastoral economy from Late Vedic times, led to an immense expansion in the use of *dasa* labour in cultivation, mainly by the proprietors of individually operated large holdings (the *gahapatis*) who monopolized cultivated area in the monarchical states; while collective proprietorship of *dasas* by the *kshatriya* clans was more common in the republics.

The *Arthashastra* state appears to have been a major employer of *dasa* labour in agriculture including its extension to virgin areas;

and in the state enterprises in textiles and liquor. It is argued that a growing non-congruence emerges in the post-Mauryan period, between the brahmanical theory of caste hierarchy (in which only the low caste and outcastes could become *dasas*), and the reality of increase in bondage in return for subsistence, or in default of debt, which could affect individual members of, the *dvija* castes no less than the *shudra*. Increased debt bondage indicates increasing monetization of the economy, and presages the modern forms of debt bondage so prevalent today. Indeed the author argues that debt bondage became 'a major instrument for providing a pliant labouring class' by the early medieval period. This is an interesting but controversial point, since even as recently as the nineteenth century Census returns by caste, we find a very high degree of correlation between unfree, servile status and non-*dvija* (low or outcaste) status.

In his essay on slavery in medieval India, Salim Kidwai focuses on certain new forms of servitude introduced after the Ghorian conquests from the twelfth century. First there occurred a large increase in the numbers of domestic slaves of various description imported to serve the aristocratic households. Second, a new and very special type of slave emerged—those inducted or purchased for manning the Sultan's army and civil service. The domestic slave could be purchased for only a fraction of the cost of the latter type of slave, who had to be given expensive education and training. Slavery in the latter case was merely a method—admittedly a primitive one—of recruiting officers for the army and bureaucracy, imposed by the new rulers' enforced reliance on Central Asian personnel, and differed qualitatively from both domestic and agrestic slavery. The employment of eunuchs for guarding the Muslim aristocratic *harams* represented the superimposition of yet another barbaric institution upon the caste-based exploitative Hindu society. (Only a small fraction of eunuchs were natural hermaphrodites, the majority being slaves cruelly mutilated in childhood). The agrarian structure and caste-based relations, in the judgment of the author, was relatively unaffected by the change in ruling personnel at the apex. The Turkish rulers extracted land revenue as all previous indigenous rulers had done; however, 'the growing efficiency of the government tax-collecting machinery' must have led to pressure on the poorer peasantry *(reza riyaya)* and to increase in indebtedness. The author points out that inhabitants of areas peripheral to the

Sultanate from which it was difficult to collect revenue, were themselves enslaved and sent as a revenue-commodity to the Sultan; in more settled areas, the seizure of the persons of habitual revenue defaulters was common, the practice being theoretically condemned but actually indulged in during the Mughal period as well. Enslavement in exchange for subsistence in times of scarcity, continued.

Tanika Sarkar's analysis of slavery and debt bondage in the early colonial period, indicates the persistence of domestic slavery and a flourishing slave import market, in which the Europeans also participated. Of greater quantitative importance was the continuation of caste-linked agrestic servitude, ranging from chattel slavery in South India to varying degrees of tying to the landed estates of proprietary families. By this time, the author argues, it was extremely difficult to separate hereditary agrestic servitude from debt bondage: for the latter too tended to be hereditary. The phenomena, which have such a long history, of bondage incurred by free peasants as the price of assured subsistence during famine, or owing to debt, continue to be seen in the colonial period. Yet there is a new and distinct trend in the late colonial period not discussed by the author, which is visible from qualitative accounts as well as the quantitative evidence of the decennial Censuses: namely, a sharp increase in the proportion of agricultural labourers in the rural work force (to which we have earlier referred). It is this trend which led authors such as S J Patel to assert that the class of agricultural labourers was a creation of colonial rule. While it is factually incorrect, such a statement is not to be contradicted with validity by making the counter-assertion (as Dharma Kumar does) that the class of agricultural labourers was not affected by colonial rule and was a pre-existing entity. For objective reality lies between the two positions: undoubtedly, agricultural labour in various traditional forms of bondage has always existed in our country. But, the swelling of the relative numbers of the destitute forced to engage in agricultural labour, through a process of peasant and artisan pauperization, is as definitely a contribution of the colonial land revenue system and trade policy. (As we have pointed out, on Kumar's own estimate in Madras Presidency, the agrestic labourers in servitude made up at most 12 to 15 per cent of the work force in the 1870's and 1880's. By the 1930's their relative numbers had more than doubled.)

The five area studies of bondage in agriculture and crafts in contemporary India, throw light on the underlying unity of the phenomenon despite very diverse regional conditions. In essence, bondage arises from destitution; and destitution in turn is either a legacy of the precapitalist direct relations of landlessness and subordination, to which certain castes have been traditionally subjected by those monopolizing landed property; or, it is the outcome of the impoverishment of those petty producers—whether tribal, or representing small peasant and artisan economy—who initially possessed some means of production, from which they have been separated as part of the process of penetration of exchange relations and rigid enforcement of laws of contract under an oppressive revenue system.

The area studies span a gamut of regions. R Vidyasagar discusses bondage in South Arcot district, located in Tamil Nadu—a region noted for its long history of agrestic slavery and servitude—the strong survivals of these precapitalist relations continuing well into colonial times, and indeed in a modified, monetized form into the contemporary era. S P Tiwary's study of bondage in the Santhal Parganas (Bihar) focuses on a region which by contrast has seen an extensive dispossession of tribal population only during the last two centuries of colonial rule, and a combination of their exploitative assimilation into the Hindu population as labourers, and their conversion into mine and plantation workers. Jayoti Gupta discusses the institution of polynyandry in Jaunsar Bawar, a sub-montane area of Dehra Dun district in Uttar Pradesh. She traces the connection of the institution with land relations, and its degeneration under the influence of the penetration of money and exchange, resulting in the degradation of women. The conditions of life and work of the bonded brick kiln workers of Muzaffarnagar, also in Uttar Pradesh, is the subject of Suneet Chopra's essay; while Gopal Iyer discusses the phenomenon of the migration of Bihari agricultural labour into the expanding 'Green Revolution' region of Punjab, a thousand miles away.

Vidyasagar's study of agricultural and craft bondage in South Arcot, begins with a description of the structure of precapitalist land rights in this area, which in their earliest form involved the collective holding of land as well as outcaste slaves, by the entire body of landed proprietors who held their right from local rulers. Collective proprietorship gradually gave way to individual household

proprietorship and use of land and slaves, though its memory persisted in some cases in the form of periodic redistributions (rather analogous to land redistributions within the Russian *mir* of the nineteenth century, with the difference that here, a body of landed proprietors, and not peasants, were involved). The system was substantially retained under Muslim rule, which merely superimposed a revenue demand upon the proprietors. The colonial land tenure system as it finally evolved after many experiments (Munro's ryotwari settlement) recognized fully the indigenous proprietary right including that of slave holding. The government of the East India Company arrogated to itself the power to seize and sell slaves on defaulting estates in order to realize revenue arrears. The author points out that despite the formal abolition of customary slavery by the 1843 Act, the passage of the Breach of Contract Act soon afterwards, in 1859, legalized debt slavery by allowing creditors to lay claim on the debtors' labour in lieu of interest or amount repayable. Since the castes in traditional agrestic bondage had been kept utterly destitute and debarred from controlling any means of production (even the land on which their huts stood was not their own), taking subsistence advances against repayment through labour was indeed the only avenue of survival open to them, regardless of whether they were formally free or not. Alternative employment opportunities in mines and plantations locally, or by way of migration abroad, were not extensive enough to affect materially the bonded status of the servile castes as a whole. In crafts, particularly textile weaving, collective ownership of looms and command over the labour of artisans by the body of landed proprietors in each village, had been common in the pre-colonial era; trade in the textiles so produced was controlled by a small number of merchants. Independent weavers under customary contract to the village or working for merchants under the domestic system, also plied their trade. In the colonial period the putting-out system appears to have developed extensively, the East India Company itself being a major advancer of funds; the majority of weavers by the end of the colonial period were without looms, and obliged to take advances from master craftsmen and from merchants.

In his case study of the village Vidyasagar shows that less than a score of merchant capitalist-owned weaving units in the village controlled a majority of the weavers, each employing at least 50, and the largest with 300 weavers. A putting-out system

was also employed under which yarn was advanced to dependent weavers; master-weavers owning looms similarly controlled the loomless weavers, who were not free to seek employment elsewhere. An interesting finding is that nearly half of the bonded loomless weavers did not come from traditional weaving families at all, but had been small cultivators obliged to give up land: consumption loans accounted for their bondedness.

The Santhal Parganas form a contrast to South Arcot in that the imposition of alien economic and cultural forces on tribal society there was a relatively recent phenomenon, dating from the inception of the colonial revenue system. Once it started, however, the penetration of exploitative relations was extremely rapid, irrespective of the 'special status' accorded to the Santhal Parganas after the 1855 uprising. Part of the area of permanent *zamindari* settlement, the region saw the non-Santhal *zamindar,* trader and moneylender speedily reduce the hitherto independent tribals to an impoverished, rack-rented and indebted body. The *kamiauti* system of debt bondage became widespread, as did half sharecropping and *krishani*, in which two-thirds of the crop had to be paid as rent by the tenant with no means of production. Bondedness and lower than market wage rates in exchange for homestead land, marked the *palhaiti* system. Rapid pauperization led to Santhal migration to mines and plantations, while in recent years there has been some migration to the 'Green Revolution' areas of Punjab as well, discussed in Gopal Iyer's essay.

Tiwari's survey of bonded labour in Sarath block in the area includes as a sub-set, those recognized as bonded and 'freed' by the government under its recent programme. The survey indicates that the majority of labourers had been bonded for more than one generation; *chamars* and *musahars*, or the most depressed scheduled castes, formed nine-tenths of debt bonded labourers. Less than a fifth were free to go out of the village for employment during the slack season; the majority of these worked in brick kilns. Real wages were lower than 30 years earlier; over half the 'freed' and rehabilitated' labourers had been obliged to return to bonded status with their former masters within a period of two years.

An economic link has developed, as we have seen earlier, between the agriculturally depressed regions of Bihar and Eastern Uttar Pradesh, and the rapidly growing region of Punjab. Annually a seasonal migration, at least of a quarter of a million labourers, takes

place despite extremely oppressive conditions of employment; a migration induced not only by the somewhat higher wage rates in Punjab, but also by the fact of employment being available at all on a continuous basis for three to four months. Gopal Iyer's study reveals in stark detail the way in which the labour requirements of an expanding capitalist agriculture are sought to be met by imposing stringent conditions on migrant labour. A difference is observed in the treatment meted to the Bihari plains labourers, and to tribals from Ranchi District. The former generally migrate on their own, while the latter are invariably recruited through caste hindu agents. These intermediaries take Rs 300 to Rs 400 per tribal from the Punjabi landlord (only a fraction of this being the actual transportation cost, the rest being their profit). The employer in turn treats this as a wage advance, not paying any cash wage to the labourer for five to six months, but only two meals a day of a minimal nature. Beatings, injury and physical confinement to prevent escape at night, are common. Precapitalist methods of direct coercion are thus freely utilized in the interests of a higher rate of capitalist profit. The plains migrants who have some land of their own and can meet their own transport cost, are somewhat better off, although they too are seldom paid wages except in arrears; in order to prevent escape. Through numerous case studies, the authors vividly portray the atrocious work conditions; particularly with respect to tribal labour; so coercive are the methods that they have no hesitation in referring to it as a 'slave trade'. An aspect of exploitation which they do not discuss is the increasing incidence of accidents to labourers, both local and migrant, from operating unsafe agricultural machinery, particularly threshers. Several hundred workers lose fingers or an entire hand every year.

Another area of developing landlord capitalism lies in Western Uttar Pradesh, contiguous to Haryana. Suneet Chopra establishes the contours of servitude in agriculture and small industries from historical material relating to this area, pointing out that the terms *bandhwa mazdoor* and *bandhak* are commonly used by the people themselves, signifying bonded worker and bondage. (The Hindi and English words, incidentally, have a common etymology.) In an intensive study of over 300 brick kiln workers in Muzaffarnagar district, Chopra finds that they are overwhelmingly *chamars,* with a substantial proportion of Muslim *jolahas* or weavers, impoverished into non-customary wage labour. Three-fourths were

quite illiterate, nearly as many were landless. Their bondage arose from loans for consumption taken from landlords and kiln owners, most of the latter being landlords as well. Owing to this, the bonded workers are freely moved from agriculture to kiln work and back.

The case studies illustrate the coercive methods used by the landlords-cum-kiln owners : indebted workers are obliged, along with their families, to perform unpaid agricultural work; women are frequently kept as virtual 'hostages' until the debt is cleared, or disposed of for cash by the employer to intermediaries for purposes of prostitution. The amount of debt per bonded worker is high relative to the average for agricultural labourers. The author concludes that bondage is a persisting form of precapitalist relations: it represents, not 'the formal subsumption of labour under capital' as many have argued, but a survival of a past mode of production based on landed proprietorship.

The only study in this volume which focuses specifically on the bondage of women as part of the wider framework of caste-class relations, is Jayoti Gupta's, on the degenerating polynyandrous family system in a sub-Himalayan area, Jaunsar Bawar. Land relations in this area historically involved monopoly of landed proprietorship by the *brahman* and Rajput gentry, employing the outcaste *kolta (chamar, dom, bajgee).* The colonial settlement recognized traditional proprietary rights which explicity forbade the holding of land by the *kolta*. Legally, they could purchase land only after 1951. Collectively held property by the patriarchal family of the landed gentry was paralleled by a polynyandrous family structure. The *kolta* generally practised polygamy and payment of bride price, which was the traditional source of debt bondage to landlords, given their destitute position. To bride price has been added now the factor of land purchase, leading to a degeneration of the traditional institution of polygamy into an instrument for obtaining cash. Wives are given by the husband to the 'Chaudhury' (or local brothel keeper) for a sum of cash; they are 'employed' locally or sent through agents to distant urban centres, not being free to return until the debt is repaid. Through a series of case studies, the author establishes the main features of the degeneration in the position of *kolta* women, where from being the common property of males within the patriarchal family, they are obliged to become prostitutes. We can hardly find a clearer instance of the influence of the cash nexus on traditional institutions.

The last section of the volume, by Manjari Dingwaney, on the evolution of the law in relation to slavery and bondage, establishes the fact that upto the mid-nineteenth century, the policy of the colonial rulers was to adhere to the ancient Hindu and Muslim law as interpreted by *pundits* and *muftis* in all suits concerning members of the respective communities. The moves from 1830 for the abolition of slavery in India were determined by the progress of the anti-slavery agitation in Britain. Within India, the Law Commissioners entrusted with the task of formulating legal measures against slavery, were faced with the dilemma of preserving traditional proprietary rights of the landed gentry in the interests of securing their political support; and undertaking some measures to end bondedness in the interests of that labour mobility demanded by expanding world capitalism of which Britain was the centre. The insatiable demand for labour from the plantations of the British Dominions—primarily Mauritius, South Africa and the West Indies—required migration from the labour-surplus colony. Hence the abolition of slavery by the 1843 Act was accompanied by legislation for regulating the flow of indentured labour. The major areas of recruitment were Bihar, the eastern districts of Uttar Pradesh and Tamil Nadu. Labourers were recruited on the basis of advances to the family, which tied the worker to his contract; penal provisions were strictly implemented to ensure employers' control over labour, whether in the case of external migration, or migration internally to the plantations.

Finally, the law in the post-independence period is examined: this consists of just one measure, the Bonded Labour System Abolition Act of 1976. Given the indissoluble connections between poverty and uncertainty of employment on the one hand, and the prevalence of debt bondage on the other, the effectiveness of legislation alone in the absence of an alteration in the structural causes of bondage, is bound to be very limited.

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Section I
A History of Oppression

1

OF DASAS AND KARMAKARAS
Servile labour in ancient India

Uma Chakravarti

The term dasa: its multiple referents

A historical survey of slavery and bondage in ancient India would necessarily require clarity in the use of economic and social categories generally, and of the concepts of slavery and bondage specifically. Achieving this clarity is by no means an easy task, since this paper is essentially a survey of the existing studies on slavery,[1] which requires functioning within the existing framework of definitions. The term *dasa*, appearing in Pali, Prakrit and Sanskrit literature, has been accepted as synonymous with the word slave.[2] However, the generic term *dasa* is then used for a wide range of characteristics implying subservience, without distinguishing between slavery and debt bondage, or between slave labour and bonded labour. Further, when the term first appeared in the earliest literature, it not only signified a slave but was also the name of a tribe which was hostile to the Aryans. While this may be important from the point of view of the historical development of slavery, it makes the task of definition and rigorous analysis somewhat more complex. An attempt is made to use existing works, which are fortunately both comprehensive and scholarly although not entirely satisfactory from the standpoint of conceptual rigour, to arrive at some conclusions which may be useful to those who are interested in the historical background of slavery and bondage in India.

A study of slavery and bondage in ancient India necessitates extensive analysis of the term *dasa.* If a slave is a person over whom the master has absolute control, then this does not hold for all categories of *dasas.* In the *Arthashastra,* for example, a *dasa* is one who can hold and inherit property.[3] Elsewhere, the *dasa* is compared to the wife;[4] while this certainly reflects the low status of the wife, one cannot accept the view that the wife is a slave of the husband. The problem here is inevitable when an attempt is made to equate Indian terms and concepts with Western terms and concepts. While it is certainly possible to ultimately arrive at some form of equivalence, there is no rough and ready process by which one can find Western counterparts for Indian terms. The term *dasa* encompasses all forms of servitude, ranging from absolute control over a person on the one hand, to limited, conditional and temporary bondage on the other. This range is in keeping with the fact that the polar opposition between freeman and slave, which was characteristic of Greek and Roman societies, did not exist in India. In fact the word *dasa* is best understood in terms of the situation described by Finley in a valuable analysis of servitude titled *Between Slavery and Freedom.*[5]

Finley has argued that there is an urgent need to distinguish among the various types of servitude which exist between the chattel slave on the one hand and the free citizen on the other. Unless this is done the significant variations in status which lie in between are obliterated. Finley has demonstrated that although slavery existed in various forms throughout near eastern antiquity, it had always been a juridically impure condition, frequently taking the form of debt bondage or penal labour among other mixed types of servitude, and constituting a very low category in an amorphous continuum of dependence and non-freedom.[6] It was only in classical Athens and Rome that the continuum was broken down and replaced by a grouping of statuses at the two ends—the slave and the freeman. Slavery was no longer a single relative form among many in a gradual continuum but a polar condition of complete loss of freedom as opposed to a new concept of untramelled liberty, and this new situation was the decisive contribution of the Graeco-Roman world.[7] Finley has argued that ancient society gradually returned to a continuum of statuses during the latter phase of the Roman empire, which ultimately resulted in a transformed medieval world.[8]

The situation, as it existed in India, represented a continuum

with one status shading into another in contrast to the polar division of the Graeco-Roman system. Apart from the fact that debt bondage became a very important aspect of servitude, the caste system tended to complicate the situation further. While servitude existed within the framework of caste, the phenomenon of caste did not preclude the possibility of servitude existing outside it. It is pertinent here to cite the analogy given by the Buddha while answering a question on the inherent status implications of caste and the superiority of the *brahmans*. He attempted to counter the notion of status inherent in the brahmanical theory by referring to the regions of Yona and Kamboja (Pali equivalents for Ionia, Bactria, and Greece) where there were only two groups of people—*aryas* and *dasas*, or freemen and slaves.[9] Notwithstanding Buddha's condemnation of the theory of inherent servitude, the pattern in India has always been one in which economic and social statuses tended to shade into each other rather than stand out in sharp relief from each other.

According to some scholars the term *dasa* interpreted literally, implies 'man'.[10] In Vedic literature *dasas* are described as being in a perpetual state of conflict with the Aryans, against whom they stood in a relation of opposition. The major part of the references to the word *dasa* in Rig-Vedic literature carry this connotation and references implying slave are not only much less frequent but appear only in the later chapters of the *Rig-Veda*.[11] It is therefore likely that the connotation of the term *dasa* as 'slave' was a later development which grew out of the fact that the group as a whole came to be subjugated.[12] Furthermore, it is also possible that the process of subjugating them, which included the use of force, gave rise to this connotation. According to one interpretation, the term *dasa* is derived from the base *das*, which means 'to treat violently'.[13] Since the essential characteristic of the slave was the complete control over him through the assertion of force and the consequent loss of freedom, it may be argued that the root *das*, implying violence, provided the rationale for its survival as a term denoting 'slave'.

The absence of freedom provided the basis for the definition of the term *dasa* in the Pali texts. According to the *Digha Nikaya*, a *dasa* was not his own master, but was dependent on another and could not move about freely.[14] It is also clear that a *dasa* was part of the property of the master since he was listed along with cattle and gold as assets of the master. In fact in the *Rig-Veda* the word

pashu, which is generally applied to cattle, is applied to some human beings, presumably slaves, who are described as two-footed *pashus*.[15] A rare reference states that the master had absolute power over his slave and could even beat him or kill him.[16]

The last characteristic, however, poses certain problems in analyzing the references to the term *dasa*. While it would apply to some groups of *dasa*, it would not cover all the categories of *dasa* which are described in the concerned literature, especially in the post-Buddhist *Arthashastra* and in the brahmanical legal texts. Nevertheless, the description broadly fits the references to the term *dasa* in the early Buddhist literature. It may be argued that Pali literature has some advantage in relation to the brahmanical legal texts since it is in narrative form, and reflects more accurately existential conditions, rather than confining itself to outlining the theoretical situation. For instance, it depicts the despotic nature of state power fairly accurately, which is borne out in the *Arthashastra*. It also suggests that in reality the term *dasa* implied the absolute power of the master over the individual (see p. 60-61).

Legal texts however, have certain other advantages. First, they reiterate some of the classifications of *dasas* based on the manner in which one becomes a *dasa* as shown in Pali and Jaina literature. Second, they provide additional information on various groups of *dasa*, which is helpful in refining the sub-categories among the *dasas* on the basis of the process of enslavement and the degree of control asserted by the master on the *dasa*. According to a reference in a Pali text there are three categories of *dasas : (i) dasas* born in the house of the master *(antojato); (ii) dasas* who are purchased *(dhanakkhito);* and *(iii) dasas* captured in war *(karamaranito).*[17] Of the three categories the *dasas* captured in war are likely to have been historically significant in the origin of the institution of slavery. But once slavery was established as an institution, the category of the *antojato*, or *dasa* born in the master's house, became the predominant category. It was from among this group that the *dasas* who were purchased were most likely to have been available. The *Jataka*, a later Buddhist text, reaffirms the *Vinaya* categories of *dasas*—those who are born of *dasa* parents and those who are purchased. Instead of mentioning *karamaranito* the *Jataka* refers to persons reduced to the status of a *dasa* through the coercion of bandits.[18] This might refer to the practice of abduction of the relatively weaker sections by bandits as part of the traffic in human

beings. The *Jataka* also mentions a significant new category of people who became *dasas* of their own accord. This category could have been a blanket category for all those who were enslaved primarily due to poverty. Similar categories are alluded to in the parallel, though later, Jaina literature which describes six types of *dasas*—*dasas* by birth; those who were bought; those reduced to *dasa* status for non-payment of debt; those who became *dasas* during famine; those who failed to pay fines; and those who were taken prisoners.[19]

These categories were, however, regarded as insufficient by the brahmanical authors who extended the general categories outlined above. The development of these new categories probably reflects the growing complexity of the economy which led to a refinement in the categorization of the *dasas*. The *Arthashastra* ushered in a new phase in the history of labour relations since it clearly came to grips with the reality of slavery and bondage. It devoted a separate section to rules regarding *dasas* and *karmakaras* (labourers) and attempted to introduce some order, clarity, as well as some measure of precision into the definition of the *dasa* status. The *Arthashastra* increased the number of *dasa* categories to provide for nine separate types of *dasas*—*(i)* persons captured in battle; *(ii) dasas* born in the house of the master; *(iii)* those reduced to the status of *dasa* for food; *(iv)* those who were purchased; *(v) dasas* who were received (as gifts); *(vi) dasas* who were inherited; *(vii)* those reduced to the status of *dasas* by judicial decree; *(viii) dasas* who were mortgaged; and *(ix)* those who sold themselves as *dasas*.[20]

The various categories in the *Arthashastra* are for the most part a repetition of the categories listed earlier except for two significant additions—*dasas* who are pledged *(ahitaka)*—either pledging themselves or being pledged by others; and persons who become *dasas* for food. For the first time one gets a clear indication of debt bondage. Kautilya devotes some attention to the category of the *ahitaka*, and he makes it clear that these *dasas* were to be distinguished from other categories of *dasas*, probably because this category was new and it was therefore necessary to clearly define its status. Kautilya mentions certain rules: first, these *dasas* could not be allotted impure work (see p. 53), such as the handling of corpses, dung and other waste matter, or the left overs of food.[21] Second, corporal punishment could not be inflicted on them. Any infringement of this rule was punishable and was technically

supposed to cancel the debt.[22] Third, women reduced to a servile status as part of debt bondage were to be protected against sexual abuse (see p. 61-62).[23] These rules clearly indicate that, theoretically speaking, the status of *dasas* in debt bondage was somewhat better than that in the other categories of *dasas*. It is also likely that the control of the master over the *dasa* in debt bondage was less effective than that in the other categories of *dasas*, because the *Arthashastra* envisages a situation in which a bondsman who attempts to escape is reduced to the status of an ordinary *dasa*, who may never be redeemed. This would result in debt bondage being transmuted to slavery for life.[24] The relationship between debt, bondage, and enslavement is fairly clear from the *Arthashastra* since a person could often slide from one status to the other. In other words, a person could be bonded for non-payment of a debt and enslaved if he attempted to escape.

Manu, writing later than Kautilya, outlined only seven categories of *dasas*.[25] They are—persons captured in battle; those enslaved in return for food; *dasas* born in the house of the master; those who are bought; *dasas* inherited as part of patrimony; *dasas* who are given away by their parents; and persons enslaved for not paying a fine or in execution of a judicial decree. Although debt bondsmen are missing in Manu's list (see p. 52), both Manu and Kautilya mentioned a new category which is that of a *dasa* who is reduced to this status in return for the acceptance of food. The Jaina classification had already anticipated this category by referring to persons who became *dasas* during times of famine. Both Kautilya's and Manu's categorization of persons reduced to the status of *dasas* in return for food signifies an extremely important development. It indicates an expansion in the ranks of the *dasas* due to the threat of starvation. The emergence of this category without any mention of famine suggests a permanent situation of semi-starvation rather than a temporary and distressed phase which famine normally implies. This points to an economic system in which the option of selling one's labour in return for wages was foreclosed for some sections of the poor who had no other alternative but to enter into servitude in return for the certainty of food. From the point of view of the masters, the older categories of *dasas*, such as those captured in war, would no longer be able to provide any new recruits to the ranks of *dasas*. The need to replenish the ranks of the labouring groups over whom one had greater control was, therefore, urgent.

If such labouring groups were available because of an increase in the number of the landless poor, either as a result of a natural increase in population or through the greater consolidation of land in the hands of a few, the situation was capable of being exploited by the masters who may have attempted to gain greater control over labour by reducing the poor to the status of unfree men.

Narada expanded the categories to take account of fifteen different types of *dasas.*[26] However, only a few of these account for new categories, the rest being refinements of the older categories. It is interesting to note that Narada lists *dasas* obtained through wager as a separate category for the first time. Although this represented a very ancient custom going back to the *Rig-Veda* [27] (and immortalized in the famous gambling episode of the *Mahabharata*), it had not been listed earlier. The significance of the category in terms of its contribution to the total *dasa* population is likely to have been marginal, and its appearance in the list merely indicates that it was a nominal survival. Similarly, another category of *dasa* mentioned by Narada consists of persons who were enslaved, presumably by the king, for reverting from a life of renunciation. This category is difficult to understand except as a measure to discourage renunciation itself. A third category, which again could not have been numerically significant, consisted of persons who became *dasas* because of their association with a *dasi.* Narada's overall scheme of categories seems to be concerned with the full gamut of theoretical possibilities, and this accounts for his expanded list. What is significant in Narada's writings is his reiteration of debt bondage, which is missing in Manu's list. Narada also examines the various possibilities of the redemption of the debt which could end the bondage. This is implicit in the statement of Narada which holds that *dasas* who are born in the household of the master, or are purchased, or received as a gift, or inherited, cannot be released from their *dasa* status except at the master's pleasure since their servitude had come by descent.[28] The absolute control of the master over these categories is recognized, but it is also clear that the master had only limited control over the other categories—this is implicit in the terms of the original relationship. Some of these categories, such as one who became a *dasa* in return for maintenance, or a *dasa* mortgaged by his master, or one who entered servitude against a debt, or one who became a *dasa* for a stipulated period—all reflecting debt bondage—can be redeemed by

discharging the debt or obligation which led to the bondage.[29]

A survey of the categories appearing in ancient literature reflects an increase in the categories of *dasas* over time. Apart from the fact that the later categories provided for new forms of servitude, the appearance of these categories reflects the changing socioeconomic environment in which they were located. The emergence of debt bondage created a new category of *dasa* whose labour was available for the master, but who retained some measure of control over himself. For example, he was allowed to earn money by working elsewhere in his spare time as long as it did not obstruct the work he did for the master.[30] The *ahitaka* was also allowed to inherit from his parents,[31] which meant that theoretically, he could hold property—although it is obvious that the extent of these assets would not normally amount to much. The children of such *dasas* were technically free. All these characteristics applied only to debt bondage and did not hold for the other categories of *dasas*. The failure to distinguish between the various categories of *dasas* has resulted in confusion in delineating a clear picture of servitude in India.

The nature and extent of servitude: the historical context

Any meaningful survey of slavery and bondage in ancient India can only begin with the period for which literary evidence is available, and this would exclude the Harappan period. In spite of the availability of a vast array of information derived from the large scale excavations of sites, nothing conclusive can be said on the question of social stratification until the seals are deciphered. There is fairly clear evidence of the existence of a complex economy with a considerable degree of specialization, internal and external trade, some features of a stratified society with a section of society which laboured. Particularly significant are the excavations of the granaries at Harappa and the barrack-like living quarters nearby, which were apparently occupied by labourers. On the basis of the evidence available, Mackay suggests that there was a wealthy administrative and merchant class, a large artisan class, and many slaves at Mohenjo-Daro.[32] Wheeler characterizes the labouring class as servile or semi-servile,[33] while Piggott prefers the term 'coolie labour' for the labouring population of the Indus valley.[34] Marshall has suggested the possibility of the small rooms attached to some of

the big houses at Mohenjo-Daro being occupied by slaves or dependent people.[35] Chanana points out that the hypothesis that slavery existed in the Indus valley civilization has to be made with a certain amount of reserve.[36] Nevertheless he suggests that slavery is likely to have existed, and was perpetuated along with certain material and cultural aspects of the Indus tradition even after the decline of the Indus valley civilization.[37] The discussion on the possibility of the existence of slave labour in Harappa remains inconclusive, however, given the fact that the seals are yet to be deciphered.

With the *Rig-Veda*, one is on firmer ground. The term *dasa* has already been discussed in some detail and the process by which the term came to be used for a person who was subject to another's control has been outlined. However, this process has to be viewed within its historical context, which requires a brief discussion of society as depicted in Vedic and post-Vedic literature. The essential tension in this society existed between the Aryans on the one hand, and the *dasas* and *dasyus* on the other. Both the *dasas* and *dasyus* were enemies of the Aryans with whom they were in a perpetual state of conflict. The *dasas* and *dasyus* were not identical, and the Aryans seemed to have followed a different policy towards each of them.[38] The references to the *dasyus* describe their destruction *(dasyuhatya)*, while there are no corresponding references to *dasahatya*—which indicates that the Aryans followed a policy of ruthless extermination towards the *dasyus* whereas that for the *dasas* was tempered with moderation.[39] Indra is sometimes described as having taken upon himself the task of subjugating the *dasas*.[40] It is possible that many of the *dasas* perished in the conflict, while others fled, but at least some of them appear to have been reduced to a subject status. It is from these subjugated *dasas* that the first connotation of slavery emerged. Sharma has indicated that the use of the word *dasa* in the sense of a slave is to be found mainly in the later sections of the *Rig-Veda*.[41] In the early sections there is evidence only of a small servile class of women slaves *(dasis)*, and it appears that while the male enemies of the Aryans either fled or were killed, their womenfolk were reduced to slavery.[42] In a later reference of the *Rig-Veda*, the word *dasa pravarga* first appears, which implies a 'wealth of slaves' or 'slaves as wealth', and this suggests that the *dasas* were increasing in number.[43] Rig-Vedic references also suggest that the *dasas* were attendants of the priestly

or warrior classes.[44] The *dasas* could be given away freely, along with cattle.[45] Failure to pay debts also resulted in enslavement of the defaulter,[46] but slaves acquired through war remained the most important source of enslavement during this period.[47] On the whole, slavery was not yet significant in production for the following reasons.

Sharma has argued that in essence, the Rig-Vedic Aryan society was characterized by the absence of sharp class divisions among its members and by the manifestation of features similar to those characteristic of an early tribal society.[48] It was a predominantly pastoral, near egalitarian society (i.e. among the Aryans), where wealth was assessed in terms of cattle and not land. The use of the adjective *gomat* for wealth, clearly reflects this.[49] While agriculture was practised, it was not yet the basis of the economy and there is no clear evidence of private ownership of land. It would also appear that cattle, *dasas*, and especially *dasis*, were the only valuable assets which were regarded as absolute private property, since there are references to their transfer from one owner to another.[50] Lands which were commonly held were mainly used for pasture, and for some amount of agriculture. The main crop was *yava* (barley), which ripened in sixty days[51] and did not require intensive labour. The Rig-Vedic families cultivated the lands themselves, and at best the slaves, mainly the women slaves, were engaged in domestic work by the priests and warriors.[52] Sharma points out that there is no word for wages in the *Rig-Veda*, nor is there any reference to agricultural slaves or labourers.[53]

The process of the formation of a servile class was carried forward only in the Later Vedic period when pastoralism gave way to agriculture, and semi-nomadism to large scale settlements, as reflected in the Painted Grey Ware (PGW) sites and in the Later Vedic texts. The first reference to a *dasa* working on the land appears in the *Srauta-Sutra* which was composed towards the end of the Vedic period. Two *dasas* are described as being given away along with grain, cattle and a plough—suggesting that the *dasas* ploughed the land and could be freely disposed of by their masters.[54] It is clear that even in Later Vedic society the economy had not yet become complex enough to result in sharp social differentiation, although agriculture had certainly gained some importance. A study of PGW does not reveal evidence of intensive agriculture with the use of iron tools. Sharma has characterized the Later Vedic society as a small

scale, non-monetary peasant society, largely supplemented by cattle-rearing.[55] There is no evidence of huge fields, and though a servile order had developed, the economy did not require *dasas* and labourers for agricultural operations.

It is in the post Vedic society, reflected in the early Buddhist literature and supported by the archaeological excavations of the mid-Ganga valley, that sharp social differentiation emerges.[56] This new development was located in the immediate economic and social environment which was characterized by a tremendous expansion of the economy. In many ways this period reveals the lines along which the economy developed during the next 500 years. It was marked by important agrarian changes, which in turn influenced the social and political forces of the time. This period also witnessed the long and arduous process of state formation. Agriculture now became the pivot of the economy, a development facilitated by the enhanced use of iron implements including the ploughshare, sickle, hoe and chopper. References in the Buddhist literature indicate widespread familiarity with the iron plough. The expansion of agriculture, and of the economy, triggered off a series of changes, such as a greater degree of specialization and expansion of trade. The period also witnessed the second phase of urbanization in India, as is evident from the numerous references to urban settlements in contemporary literature. The Buddhist literature lists six *mahanagaras* in the mid-Ganga valley and the existence of some of these cities have been supported by archaeological excavations.

The expansion of agriculture resulted in changes in the pattern of landholding. Fields were now listed as a very important economic asset, and the individual holding of land had definitely made its appearance, at least in the monarchical kingdoms. This is evident from the Buddhist genesis myth in the *Agganna Sutta* of the *Digha Nikaya,* where kingship is stated to have originated with the emergence of separate fields.[57] It was the violation of one's rights to the possession of separate fields that led to the need for a king.[58] The idea of separate fields is reiterated in a parable which derides the folly of a man who neglects his own fields but thinks of weeding his neighbour's field.[59]

The patterns of landholding suggest that most of the land was in the possession of *gahapatis*, although the king was also in direct control of part of the land. The Buddhist literature refers to lands being granted by some kings to *brahman* donees, such lands

representing *brahmadeya* holdings which were free of tax. Some of the largest holdings of the period of the early Buddhist literature were the *brahmadeya* lands, which were invariably held by a single *brahman*. A striking illustration of the emergence of large landholdings is the example of the *brahman* Kasi Bharadvaja who required 500 ploughs to plough his land.[60] There are also other examples of large holdings of land among some sections of the *gahapatis*, which clearly indicate a departure from the past.

The growing complexity of the expanding economy was also expressed by the emergence of a more stratified society. The large landholdings point to a concentration of wealth in the hands of some sections of the people. The labour needs of this society were consequently different from those of preceding societies. The period marks the beginning of the use of hired labour on a large scale. The Buddhist texts frequently mention *dasas*, *karmakaras* and *porisas* (slaves, labourers and servants) who were employed to work on the land. Significantly, the words *vetan* and *vaitanika* appeared for the first time in Panini's *Ashtadhyayi*.[61] The *Ashtadhyayi* belongs to the same period as the earlier portion of the Buddhist literature (from the sixth to the third centuries BC).

It may be argued that when large holdings appeared the need for servile labour was felt, and hence the terms connoting servile labouring categories began to appear for the first time. The terms were increasingly used thereafter. Other terms which appeared for the first time include the word *dalidda* (the Sanskrit *daridra*), which denoted extremely poor people who led a miserable, deprived existence and were 'needy, without enough to eat or drink, without even a covering for the back'. For the first time evidence points to the existence of extreme poverty and destitution.

The Buddhist literature presents a vivid, contrasting picture of the well-to-do sections of society. The descriptions suggest that the rich lived in luxury with gold, silver, grain, beautiful houses, carriages, and servants to work for them. Bose has pointed to the pronounced social contrast between classes expressed through the familiar Pali phrases *mahabhoga kula* (wealthy family) and *dalidda kula* (destitute family); *sadhana* (wealthy) and *adhana* (poor, without wealth); *sugata* (faring well) and *duggata* (faring poorly), which frequently appear in the Buddhist literature.[62] The Buddhist society clearly reflects the emergence of impoverished and dispossessed sections who had no other alternative but to sell their labour or be enslaved

in return for a basic existence. Such a situation would arise only when persons had no access to land of their own. Alternatively, even if there was virgin land available for cultivation, the level of technology and capital required to cultivate the land was such that it was not possible for impoverished groups to actually make use of it. In contrast, there were families in the same society who had by force or other means acquired fields and pastures which they could not operate with their own labour resources. They required, as a result, to hire the labour of others. The impoverished groups, possessing neither land nor capital, provided the large landholding families with their basic labour needs. Some of them became *karmakaras* of the large landholders and worked for wages, while others were reduced to the status of *dasas*.

In Pali literature the *gahapatis,* followed by the *brahmans* commonly used hired labour. The *gahapatis* dominated the agrarian system in the area outside the *gana-sanghas* and according to the early Buddhist literature they were also the main tax payers. In the early Vedic period the *gahapati* did not possess resources which were beyond the means of his family labour.[63] This position had been completely transformed by the pre-Mauryan period. The *gahapatis* now emerged as an extremely powerful and wealthy section of society requiring the labour of the *dasa-karmakaras,* although some of them had not completely given up labouring themselves. From a later reference it is evident that the *gahapatis* had further strengthened their position and were invariably exploiting the labour of others; this accounts for the special master-slave relationship that existed between them and the *dasa-karmakaras.* According to Kumarila the *gahapati* did no work himself and others were his *karmakaras.*[64]

We shall now analyze the terms used in the Pali texts for the categories that provided the basic labour required mainly for agricultural production, but also for domestic service. The terms most frequently used are *dasa* and *karmakara*, but sometimes the word *porisa* also occurs. Almost invariably the terms *dasa-karmakara* appear as a compound and rarely occur separately. Even in brahmanical literature the compound frequently appears, especially in the context of labour engaged in agriculture.[65] Ashoka made similar use of a compound expression when he referred to the *dasa-bhataka* while alluding to the labouring population.[66]

It is only when the individual status of a person is described in the Buddhist literature that the terms *dasa* or *karmakara* are used separately. Thus various persons are described as *dasas* or *dasis* in the Pali texts.[67] Similarly the term *kamika* was once used to describe an individual in one of the inscriptions cited by Ludders.[68] On the whole, the evidence suggests that although technically, two separate categories of persons were designated by the term, they could not be distinguished by the work they performed. Further, there was apparently very little difference between them in the general conditions they shared. According to Patanjali, food and clothing was given to both *dasas* and *karmakaras*.[69] The two categories are grouped together when there is a general reference to the payment of wages by the master. This implies that both *dasas* and *karmakaras* received wages. In the Buddhist literature the *gahapati* Mendaka's son is described as disbursing money to the *dasa-karmakaras*.[70] The *Arthashastra* states that the lowest wage prescribed,—one and a quarter *panas* along with food—was given to watchmen, *dasas* and *karmakaras*.[71] The only reference that clearly indicates a difference in their positions is in the *Jataka* which mentions that while the *dasas* lived in the house of their masters, the *karmakaras* went to their own lodging in the evening.[72] Sharma has suggested that the *karmakaras* of the pre-Mauryan period were not free labourers but were attached to their masters in a special way. They were in a semi-servile position and could even be treated as an item of property.[73] Perhaps the problem is best understood by reiterating the analogy of the continuum, in which the categories did not stand out as sharply delineated units but tended to merge into each other.

Any discussion of labour requires an assessment of the place of the *dasa-karmakaras* in the economic system as a whole. It must be pointed out that though the *dasa-karmakaras* supplied all the labour in the larger landholdings, evidence shows that the rest of the land was being farmed essentially through peasant labour. The *gahapatis* were the backbone of the peasant economy, at least in the pre-Mauryan period. Many of them worked on the land themselves and were helped by their families, utilizing the labour of the *dasa-karmakaras* to perform the labour-intensive jobs. However, the picture was markedly different in the non-monarchical political units or the *gana-sanghas*. The *gahapati* was virtually non-existent here, and the land was held by the *kshatriya* clans. It has

been argued elsewhere that the absence of the *gahapati* was consistent with the marked difference between the social and economic organization of the *gana-sanghas* and that of the monarchical kingdoms.[74] While the *gahapati* was associated with the emergence of private ownership of land, which was held and transmitted through the family, the *gana-sanghas* still held on to the earlier communal control over land. What is of significance is that while the *kshatriya* clans held the land in common, being the aristocracy they abstained from manual work and exploited the labour of the *dasa-karmakaras* instead—the *gana-sanghas* were totally dependent on the *dasa-karmakaras* for agricultural production. Evidence shows that like the helots the *dasa-karmakaras* were held in common by their *kshatriya* masters, and were deprived of all political rights which remained the exclusive and closely guarded prerogative of the *kshatriya* clan. Chanana has suggested that the tendency to live off the labour of the *dasa-karmakaras*, and to exclude them from social and political rights, probably had its origin in ancient conquest.[75] This deprivation of the civil and political rights among the *dasa-karmakaras*, along with an absolute dependence on their labour, appears to have created tension between them and their masters, which contributed to their perception of themselves as an exploited community.

With the *Arthashastra,* a new phase in social and economic history emerged. If the *Arthashastra* can be seen as a statement on the political economy of the Mauryan state, it points to a very significant development in the history of labour. In the Buddhist literature, the master had absolute control of the *dasa*, and there were no rules that could be invoked to protect the *dasas*. There is no evidence in the pre-Mauryan literature that the state took any position with regard to servitude and labour: the relations between the *dasa-karmakaras* and the masters had to be worked out by the individual masters. This frequently resulted in the arbitrary and cruel treatment of the *dasas*. The Mauryan state, however, marked a definite change in the historical process, with a strong and unified political centre asserting its control over all the inhabitants. Since the Mauryan period reflects a change from the absolute control of the master to one of conditional control over the *dasa,* there was need for the intervention of the state in providing protective legislation for at least some categories of *dasas.* The *Arthashastra* prescribed comprehensive regulations for labour for the first time.

This included penal action against those who violated the rules.[76] In addition to suggesting the emergence of debt bondage, the *Arthashastra* also points to certain other phenomena.

The *Arthashastra* strongly defends the rights of the *aryas* and asserts that an *arya* should never be reduced to the status of a *dasa*.[77] At the same time, Kautilya makes it clear that the same protection is not extended to the *mlecchas.* An interpretation of this statement in the light of the Buddhist explanation for the term *mlecchas* (those belonging to the frontier regions),[78] makes it apparent that Kautilya was protecting the settled population, but permitting the large scale exploitation of the frontier and tribal populations. However, the *Arthashastra* also states that while the theorists were attempting to protect the *aryas,* there were numerous occasions when they entered into servitude—but from which they could frequently be redeemed.[79] In fact the text shows that the relationship between the master and the *dasa* was often contractual in nature, which contrasted with the lifelong and hereditary servitude that prevailed in the past. It is possible that Kautilya was attempting to prevent absolute slavery among the *aryas,* or the settled population, leaving it open for the tribals. But it is also evident that the settled population could and did enter into debt bondage, which emerged as a major phenomenon during this period, leading to the need for institutional control. The well-defined suggestions for protection mentioned in the *Arthashastra* are confined to debt bondage and do not cover outright slavery. Kautilya categorically asserts that the children of a person who has mortgaged himself (an *ahitaka*) remain *aryas.* The *ahitaka* was entitled to earn money by working in his spare time (if he did so without prejudice to his master), and could also inherit from his parents. These rules are obviously applicable only to the debt bondsmen over whom the master did not have absolute control. Kautilya's provision for protection against the sexual exploitation of women was similarly applicable only to those who were in debt bondage.

Even though the *Arthashastra* prescribed institutional controls in the area of individual relations of ownership and servitude, the state itself entered the arena as a master of the *dasa-karmakaras.* Kosambi has argued that the Mauryan state was the greatest single entrepreneur of its time, which was anxious to preserve its monopoly, especially over certain vital sectors such as mining and agriculture. In fact he suggests that the Mauryan state discouraged large scale

chattel slavery in order to keep the monopoly of the state over basic production, and prevented a plentiful supply of slave labour to private owners.[80] In furtherance of these ends all the crown lands were worked intensively by the *dasas, karmakaras* and *dandapratikartrs* (prisoners).[81] The Mauryan state also displayed noticeable enterprise in extending the area under cultivation, a process facilitated by exploiting the labour of the *dasas, karmakaras* and *dandapratikartrs*.[82] Since the range of state operations in various kinds of enterprise in the Mauryan period was very wide, covering agriculture, mining, and commercial enterprises such as weaving, trading in liquor, and the running of gambling dens and brothels, the number of people who worked directly for the state was never as high as it was during this period. That the state was not a more benevolent master is also evident from such terse comments as 'broken grain may be given to the *dasa-karmakaras* who constitute the *visti* [those who provide free labour] [83] or 'bad wine may be supplied to the *dasas'*.[84] Similarly the pragmatic attitude to the continued exploitation of the *dasis* of the court, even in their old age, reiterates that the state was primarily concerned with the maximum exploitation of labour rather than in setting norms for its exemplary utilization. One may conclude that the *Arthashastra* depicts the existence of controlled servitude in which individual despotism is certainly contained, but the state has absolute command over all its subjects and is the greatest exploiter of labour.

Post-Mauryan developments in the institution of slavery and bondage have to be inferred from the brahmanical *Shastra* literature which is heavily tinged with the usual preoccupation of the *brahman* law-givers with *varna*. The material is lacking both in the detail of the Buddhist narrative literature and in the relative conceptual clarity of the *Arthashastra*. The best representative of the period is Manu (c. 200 BC to c. 300 AD), whose work, according to Sharma, generally reflects the *kali* age which is frequently alluded to in early Puranic literature.[85] This period was marked by pronounced social conflicts, and by a lack of congruence between the brahmanical theory of caste and the empirical reality of the existing social and economic order. The *Shastra* writers repeatedly reiterated the need for the *varnashrama dharma*, and condemned the practice of *varnasamkara* (mixing of the *varnas*), which implies that the prevailing social and economic stratification did not conform to the brahmanical theory of ranking. It is within this framework that

Manu's statements regarding slavery, servitude, and the *shudras* must be examined.

Manu begins by asserting the orthodox view that the *shudras* were created by God to serve the *brahmans*,[86] and he also enunciated the principle that slavery is the eternal destiny of the *shudra*.[87] He believed that a *shudra,* whether or not he is bought, should be reduced to slavery because he had been created for the sole purpose of serving the *brahman*.[88] He further states that a *shudra* could not be released from servitude because servitude is innate in him.[89] He also postulated that members of the *dvijas* (twice born castes) could not be reduced to slavery, and that anyone who compelled a *dvija* to work as a slave deserved to be fined heavily by the king.[90] However, it is clear that even Manu had to concede that all *shudras* were not *dasas*, and that there was a clear distinction between a *shudra* and a *dasa*.[91] It may be suggested that Manu's exercise of writing the *Dharmashastra* represents a desperate attempt at redefining the existing categories to fit into the caste framework, and that he was trying to translate the existing socioeconomic categories into the brahmanical status categories.[92] Manu's emphasis on the innate servitude of the *shudra,* and the immunity of the *dvijas* from servitude, must be viewed in this light. It has already been seen that debt bondage emerged as a major phenomenon during the Mauryan period, and it covered even the *aryas* within its purview. It was for this reason that Kautilya had listed debt bondage in his section on the *dasas*. Manu, however, did not list the *ahitaka* (pledged bondsman) among his scheme of *dasas*, and adopted the categories of lifelong servitude of the pre-Mauryan period. This may represent an attempt to de-recognize the emergence of debt bondage which cut across *varna* divisions, as is clear from the *Arthashastra*.[93]

A significant characteristic of the post-Mauryan period is the fact that *dasa-karmakaras* did not work for the state, although it is clear from stray references in the *Milindapanho*,[94] and the *Mahabhasya* of Patanjali,[95] that the *dasa-karmakaras* continued to labour for individual masters. It is, however, difficult to estimate the extent of the utilization of their labour, or to determine whether the period represents a growing or declining trend in relation to the Mauryan and pre-Mauryan eras. According to Sharma, there is no evidence of large individual or state farms being worked by the *dasa-karmakaras* during this period. He suggests that in the absence of

references to *dasas* being employed in agriculture, the land was probably being cultivated by sharecroppers and hired labourers.[96] There are occasional references during this period not to the *dasa-karmakaras* jointly working the land, as in the pre-Mauryan Buddhist literature, but to *karmakaras* working alone.[97] From the Mauryan period onwards the practice of sharecropping, which is first mentioned in the *Arthashastra,*[98] seems to have been a growing phenomenon. Undoubtedly this would have affected the old pattern in agriculture, since a considerable part of the labour invested in it had been contributed by the *dasa-karmakaras.*

During the Gupta rule and in the early medieval period, the decline of the participation of the *dasas* in agriculture was clearly discernible. Narada, for example, states that there is a distinction in the kind of work that could be allotted to *dasas* and *karmakaras.* According to him, while *dasas* are expected to attend on their masters (along with hired servants or even pupils and apprentices), they alone had to perform 'impure' work. All others were to be given 'pure' work. Impure work is described as sweeping the house and gateways, cleaning the privies, handling the left overs of food or other waste matter, and attending on the master at bath time. Apart from these duties all other work was regarded as pure.[99] It is interesting to note that while Narada mentions fifteen different types of *dasas,* both he and Brhaspati made it clear that the *dasas* were employed only in impure work.[100] On the other hand people engaged in production, namely in agriculture, were looked upon as performing pure work.[101] The distinction between pure and impure work, and the corresponding distinction between the work of the *dasa* and that of the *karmakara,* is a noticeable departure from the pre-Mauryan and Mauryan periods, when the *dasas* and *karmakaras* had almost invariably been clubbed together, especially in the context of agricultural labour.

The decline in the utilization of the labour of the *dasas* in agriculture may be partly explained by the fact that a process of fragmentation of the land had begun, and the land was now held in smaller units than before.[102] The large holdings of Buddhist literature, or the state farms of the Mauryan period, are no longer mentioned. Evidence suggests that in Western India the average plot did not exceed two or three acres.[103] Smaller holdings necessarily implied that it was uneconomical to employ a large number of *dasas* or *karmakaras. Dasas* however continued to exist during the Gupta

period, but they survived largely in domestic service. A Gupta inscription and the contemporary literature of the period refer to the sale of *dasas,* and even to a deed for the sale of a *dasa (dasa lekhyam).*[104] The dictum that impure work should be allotted to the *dasas* is consistent with their involvement with domestic work rather than with agriculture. The existence of a large number of *dasis* in the houses of the wealthy is also evident from the literature. On the whole, however, it seems reasonable to accept the view that there was a general weakening of the institution of slavery during the period.[105] Sharma suggests that the weakening of the institution may be explained by the decline in the money economy, which affected the buying and selling of *dasas.*

In the absence of war the number of persons taken prisoner and enslaved gradually diminished. Similarly, argues Sharma, the reduction in the use of money in the sixth and seventh centuries affected the institution of moneylending, and correspondingly the number of debt bondsmen.[106] Notwithstanding the significance of the money economy, the existence of debt through loans of grain, which has always been a characteristic feature of rural India, was probably as important a source of debt bondage. The most widespread forms of servitude which have survived into recent times, forced labour *(visti)* and debt bondage, were both widely prevalent during this period.

The term *visti,* normally used to indicate forced labour, acquired a new connotation over a period of several centuries.[107] Although it appeared for the first time in the *Rig-Veda* to denote skilled labour, by the Mauryan period it stood for labourers engaged by the state.[108] According to Kosambi, the term *visti* in the *Arthashastra* refers to menial and drudge labour, which was needed on a large scale in camps and for state work; but it was paid labour, even though there was an element of 'press-gang' compulsion in it.[109] From the early centuries of the Christian era the term meant forced labour. Inscriptions from all parts of India, by the eighth and ninth centuries, refer to the practice of *visti.*[110] Areas which were freed from *visti* were sometimes described as *sarvapidavivarjitah,* implying freedom from all oppression.[111] The connotation of *pida* (pain) for *visti* is in itself interesting. A close examination of the term also indicates the spheres in which it was used. These include the construction of forts and other government buildings, the repair and maintenance of works of public utility, porterage, domestic service,

agriculture, mining, and working for the royal entourage.[112] Initially, *visti* was largely confined to the state, but its contribution to agriculture is significant. The earliest reference to *visti* as used in agriculture dates back to the eighth century AD. There are references in the *Bhagavata Purana* to *visti* in the context of agriculture,[113] and in the *Kamasutra*[114] to women performing *visti* for the headman by working on his land and filling up his granary. Two references associate the terms *daridra-purusha*[115] and *dina*,[116] both implying the poor, with the people engaged in *visti*, even though *visti* could be imposed on different sections of society. Thus it was the poor who bore the burden of *visti,* regardless of whom it was technically levied upon. It is likely that even though the state levied *visti* upon entire villages, the burden was shifted to the poorer and weaker sections within each community.

As mentioned earlier, a survey of *visti* reveals that the word acquired a new meaning in the post-Mauryan period, coinciding with changes in the socioeconomic and political conditions, village organization and agrarian relations. The institution gradually increased in intensity in the early medieval period, spreading to Kathiawar, Gujarat, Madhya Pradesh, Maharashtra and Karnataka. At the same time, the right to extract forced labour, which was originally the prerogative of the state, began to be transferred to smaller dignitaries, donees, village headmen and petty village officials. In the process, the rigour of the practice increased since the local grantees or village headmen were more exacting taskmasters than the distant and impersonal state authority.[117] Given the inclusion of *visti* in agriculture, the larger landholders, who were likely to have coincided with the donees and headmen, would have been able to resort to this form of labour for at least some of their basic labour requirements.

Other forms of labour services also appeared during this period. From the fifth century AD onwards, various forms of interest on loans began to be defined in detail. In the eighth century AD, a form of interest known as *kayika*[118] was levied which had to be paid in the form of daily labour until the principal was cleared.[119] References to *kayika* appear in literature between the tenth to the thirteenth centuries.[120] This extraction of physical labour against interest alone is a departure from earlier times, when the debtor rendered manual labour in order to repay the principal as well as the interest. This new development would have contributed to the

emergence of greater dependency and bondage among the labouring poor. The chances of the principal being ultimately cleared would not only have receded but would have been virtually non-existent in the new situation.

Debt bondage, which had been prevalent since at least the Mauryan period, now became the major instrument for providing a pliant labouring class. This feature became the basic characteristic of Indian rural society. The need for slave labour was obviated by the widespread use of bonded or dependent labour. In the past though slave labour existed, it had never preponderated over free labour, and the *dasas* invariably featured along with the *karmakaras*, even though the difference between them was not always easy to perceive. Now the distinction virtually disappeared, with the free and unfree merging in the category of the dependent labourer—whose dependence and bondage was created through debt. Here one must return explicitly to the question of caste. The medieval brahmanical law-givers prescribed that the birth status of the debtor should determine the rate of interest that was leviable upon him.[121] While conceding that allowances must be made for *brahman* theorizing, and that theory did not always match existing reality, Kosambi states that caste now became the fresh excuse for a new differential exploitation.[122] In times of drought, or when the harvest failed, the differential exploitation would affect the poorer cultivators of lower castes more adversely than those of the higher castes. These cultivators would become indebted, possibly lose their land, and be reduced to the status of hired labourers, and ultimately, bonded labourers. With the emergence of bondage, not simply through debt but in lieu of even the interest, a 'perpetually indebted working class' could be assured. This uniquely Indian phenomenon was the counterpart of the classical slavery or the feudal serfdom of Europe.[123]

Women in bondage: oppression compounded

The earliest available literary references point to an extremely significant, but relatively unrecognized fact—the capture of large numbers of female slaves by the Aryans from among the subjugated *dasas*. These references are doubly significant because male slaves rarely appear in the *Rig-Veda*.[124] Also, female slaves were frequently referred to in terms of wealth, and were listed along with

gold, cattle and other assets in the Later Vedic literature.[125] It appears reasonably certain from these references that there were more female slaves than male slaves in Vedic society, and that they were also considered more valuable. The *Aitereya Brahmana* states that 10,000 female slaves were gifted by the King of Anga to his chief priest along with cattle, wealth and gold.[126] One of the Rig-Vedic hymns mentions the gift of fifty *dasis* to a priest.[127] Another reference mentions ten chariots carrying abducted *dasis* said to constitute a part of *dakshina*.[128] The *Chandogya Upanishad* lists female slaves along with cattle, horses, gold, fields and houses, as part of the wealth of their owners.[129] Particularly significant is the fact that in the Early Vedic literature cattle and women slaves constitute the only forms of movable property, and are transferable unlike land.[130]

The predominance of female slaves over male slaves, and the value attached to them requires some explanation, both from the point of view of the history of slavery and the study of women in history. Sharma argues that women were highly valued in a tribal context since they were 'the producers of producers', and that wars between the Aryans and the *dasas* were often fought to obtain them.[131] He goes on to say that even in contemporary times there is a dearth of women in relation to men in the north-western part of the subcontinent, and that the same phenomenon may have prevailed in the second millenium BC.[132] It is possible that the Aryans, whose numbers decreased rapidly during their long trek into India, required to replenish their stock, for which task women would have been an urgent necessity. It may be suggested that female slaves, at least in the early stages of Indian history, derived their importance on the basis of their sexual and biological attributes, for they not only provided a source of cheap labour but also functioned as reproducers and replenishers of a declining stock, and this explains their numerical preponderance over male slaves in the Vedic literature.

A significant point here is the large number of *dasis* owned by *brahman* priests.[133] The *dasis,* as mentioned elsewhere, were considered to be objects of either *dana* or *dakshina*, and were given to the chief priests by the king.[134] It seems possible that the king in this case was the conqueror who had captured the *dasis* from the subjugated *dasa* people. The fact that the *dasis* were given to the *brahman* priests in such large numbers (running into thousands in one reference)[135] may actually signify a more fundamental process

than would appear at first glance. If the *dasis* were functioning even partially as replenishers of the declining Aryan stock, then it would be necessary for them to go through a process of acculturation or Aryanisation themselves, and the agency for this diffusion was likely to have been the priest. The association of the *brahmans* with a large number of women survived into later times. Post-Vedic Buddhist literature frequently alludes to the association negatively when the *brahmans* were attacked for leading a degenerate existence.[136]

Apart from their biological function, the *dasis* are also likely to have contributed to domestic production centering round cattle in the predominantly pastoral Early Vedic society. Subsequently, when agriculture began to replace pastoralism, there are occasional references to *dasis* in the context of agriculture. The *Atharva Veda* refers to *dasis* being engaged in subsidiary agricultural operations.[137] The earlier predominance of *dasis* over *dasas*, however, gradually decreased with the emergence of a full-scale agricultural economy. Both *dasis* and *dasas* were now mentioned together, working within the household of the master as well as outside it. References describing them as working the land are usually of a general kind, and may represent family units which jointly work the land in much the same way as teams of family labour in contemporary times. Occasionally *dasis* alone are mentioned; one example is the *dasi* who watched over her master's field in one of the *Jataka* stories.[138] But on the whole, the *dasis* at this time began to be closely associated with domestic labour, and the burden of this work fell upon them. In fact all specific references to *dasis* in the Buddhist narrative literature are in the context of domestic service.

A pertinent reference in Buddhist literature distinguishes between the work of the *dasi* and the work of the wife within the household. In describing the work of a slave girl *(dasi bhoga),* Buddhaghosha states that she worked in the fields, fetched water, removed the filth and engaged in other menial and drudge jobs. *Dasi bhoga* is opposed to *sunisa bhoga* which designates the work of the daughter-in-law.[139] This distinction in domestic work between the *dasis* and the womenfolk of the family (which obviously had its own gradation with the daughter-in-law only one step above the slave girls) was invoked by one spirited daughter-in-law who refused to be cowed down by her father-in-law's authority and protested to him that she was not a *kumbhadasi* (a slave girl who carried

water).[140] The heavy burden of domestic labour was strongly resented by some women who then shifted the burden on to their slave women. This is clear from the example of a young wife of an old *brahman* in the *Vessantara Jataka*, who constantly nagged her husband to get her at least one *dasi* to take over the domestic chores.[141]

Among the most strenuous and onerous tasks of domestic labour performed by the *dasis* was the drawing and fetching of water. The *kumbhadasi* had to get up early in the morning in order to fetch water, which was in large quantities, and had often to be carried over vast distances.[142] Husking the rice was also considered to be a heavy task. One reference mentions a *dasi* collapsing with sheer exhaustion after continuing to pound the rice till well after sunset, and then attempting to revive herself by seeking a breath of fresh air.[143] The work of a *dasi* included cooking, making the beds, lighting the lamps, milking the cows—in short all the drudgery of domestic labour.[144] Even the *brahman gurus* had slave women to labour for them, as indicated by a reference which describes the young (and able bodied) disciples of a *brahman guru* waking up the *dasi* early in the morning and asking her to prepare food for them.[145] Significantly, none of the *dasis* engaged in domestic service or in subsidiary agricultural operations appeared to envisage the possibility of a less burdensome existence. They confined themselves to the realm of reality; this is well illustrated by the case of a *dasi* who, when offered a gift from the king, asked only for a new pestle and mortar.[146]

Some references in ancient literature suggest other functions for the *dasis* apart from domestic service; occasionally they worked as guards,[147] and they often appeared in the retinue of their affluent masters.[148] Sometimes hundreds of slave girls formed part of the dowry of rich brides and accompanied them to their new homes.[149] Even the *Rig-Veda* mentions a *dasi* who accompanied her newly married mistress to her new home in order to entertain her there.[150] A special category of *dasis* were the *dhatis*, or wet-nurses. Chanana is not quite certain whether the *dhatis* were slave women, but from general description it appears that they did not enjoy much freedom.[151] The *dhati dasis* accompanied their mistresses to their new homes after marriage and lived with them for the rest of their lives.[152] Kautilya also referred to *dasis* among nurses and prescribed special rules for them.[153] Although the relationship between the

wet-nurse and the mistress was often characterized by great intimacy, her work was considered to be unclean. Metaphorical similarities are often drawn between the *dhatis* and things that are unclean, since their garments were invariably soiled with unpleasant discharges.[154]

Considerably higher up in the hierarchy in terms of prestige were the *nataka itthis*, who formed part of the harems of princes and monarchs.[155] Although the *nataka itthis* did not enjoy the status of wives, and though they could be disposed of or even inherited,[156] they lived a few years in comparative comfort. The *dasis* in the royal entourage did not have to labour physically, and were only required to entertain and amuse their masters. Although they enjoyed more privileges than the other *dasis* because of their physical appeal, they were totally dependent upon their physical beauty, assets which were necessarily of a temporary nature. References in literature clearly indicate that in their later years, when the distinction between them and the other *dasis* virtually disappeared, some of them became nursemaids and continued in royal service. The ever pragmatic *Arthashastra,* with its comprehensive rules concerning all available sources of labour, suggests that old *devadasis* and old *dasis* of the king should be employed usefully to cut wool, fibre, cotton and flax.[157] Since weaving was under state supervision, according to the *Arthashastra,* a large number of women were employed in state workshops; hence the retiring harem inmates were simply transferred to the state workshops. The work of carrying raw material to and from other women, who would not venture out of their houses and worked at home, also fell upon the ex-*dasi* inmates of the royal harem.[158] According to the *Arthashastra,* a prostitute-slave (brothels were run by the state), too old for sexual enjoyment could be put to work in the store or the kitchen.[159] Others, less fortunate, became wandering spies who picked up information and passed it on to the institute of espionage.[160] In their mature years, women in the king's service lost some of their comforts and privileges, but did not regain their freedom, so that they were merely reduced to the level of the rest of the labouring *dasis*.

It is fairly evident from numerous references in the *Jatakas* that the *dasis* were often subjected to threats and abuses from their masters. The slave girl Punika, for example, was required to fetch water all day long, from early dawn into the night.[161] She had no

respite even during the winter months because of the threats and abuses showered upon her. The fact that her master was a devoted Buddhist did not in any way alleviate her suffering. The threat of physical violence reduced the slave girls to a situation in which they were completely under the control of their masters. Buddhist literature frequently uses the expression meek as a hundred piece slave girl,[162] which clearly indicates that the *dasis* had been so completely suppressed that meekness became a distinguishing feature of this group. Meekness alone, however, was no guarantee against violence. There is the example of a *dasi* who was beaten by her master for not handing over the wages she had earned by working for someone else.[163] There is another heart-rending account of a *dasi* called Rajjumala who had been badly abused from childhood. Her mistress often caught hold of her hair and slapped and kicked her. To escape this torture, the girl had her head shaved, but her mistress then tied her head with a rope and beat her. Unable to bear the pain anymore Rajjumala escaped to the forest and attempted to commit suicide.[164]

Apart from the physical violence faced by the *dasis* they were also especially vulnerable to sexual abuse and sexual violence. This was a special burden which slave women alone had to bear—not only did they labour like the *dasas* but were also exposed to sexual exploitation. Buddhist literature cites the example of a slave girl who was forced to sleep with her master. When the mistress found out about the incident she cut off the slave girl's nose in a fit of jealous rage.[165] The action was directed against the victim and not against the violator, an occurrence not unusual even today.

The fact that the sexual exploitation of the *dasis* was common was taken note of by the *Arthashastra,* which attempted to contain the practice. Kautilya ruled that no master should have the pledged *(ahitaka) dasis* attending on him while he bathed.[166] The violation of this rule led the master to forfeit the value of the pledged amount.[167] Sexual violence against a pledged *dasi* who was either a nursemaid or a cook in domestic service, led to the freedom of the *dasi* concerned. The master was also liable to receive punishment.[168] If a master raped a *dasi* who was pledged to him and who was under his protection, or if he helped another to do so, he was not only required to forfeit the purchase value but also to compensate her with money.[169] Similarly, the daughter of a pledged *dasa* or *dasi* who was violated by the master was to be

compensated with jewellery and money as a contribution towards her *shulka* or nuptial fee.[170] In addition to this, the master was expected to pay a fine to the ever vigilant state. If the master had children through his *dasi,* the *dasi* and the offspring would be freed.[171] The *Arthashastra* also provided for the protection and maintenance of the *dasi* during pregnancy.[172]

It is difficult to estimate the effect that Kautilya's injunctions may have had in reducing the sexual exploitation of the *dasis,* especially since their vulnerability was an outcome of their position as women who were partially or completely under the control of their masters. Kautilya made a significant distinction between the ordinary *dasi* and the *ahitaka dasi,* since almost all his injunctions apply to the latter—the bondswomen—over whom the master had only partial control. This category, as has been earlier pointed out, was just beginning to emerge. The protective rules for the *ahitaka dasis* are in keeping with similar protection accorded to the *ahitaka dasas* in terms of the kind of work that could be allotted to them. They enjoyed immunity from impure work and from physical violence. For the other categories of *dasis,* over whom the master had absolute control and who could not look forward to possible redemption, there was no such protective legislation. It is reasonably clear that the other categories of *dasis* continued to be treated as open to sexual exploitation, even legally. All that the *Arthashastra* seems to have succeeded in doing was to establish the superior control of the state over the masters. Since many of the offences were made punishable by imposing fines, instead of imprisonment, the prevalence of sexual exploitation was utilized by the state to its advantage.

This discussion on female slave labour in ancient India may be concluded by citing another significant reference. According to Chinese accounts of the sixth and seventh centuries, there were no female slaves in India.[173] It is important to note that this statement implies that there were a few male slaves—the situation being exactly the reverse of the position from which this discussion began. At the beginning of the period, female slaves outnumbered male slaves. The end of the period saw a decline in the institution of slavery in general and the virtual disappearance of *dasis* in particular. What meaning can one derive from these twin references? Is it possible that women slaves were now hardly required for their labour and for purposes of mass reproduction? The society, and in particular the economy, was relatively more stable in the sixth and seventh

centuries than it had been in the Early Vedic times, which may account for the comparative absence of *dasis* during this period. It is also possible that female slave labour was being replaced by *visti*, or forced labour, rendered by women in rural India. The *Kamasutra*, for example, cites an interesting reference which indicates that *visti* was imposed on the womenfolk by the headman of the village.[174] According to Vatsayana unpaid work of various kinds, such as filling up the headman's granaries, working on his fields, taking things to his house, cleaning or decorating his residence, and spinning yarn of cotton, flax, and hemp for his clothes, was rendered by the womenfolk of the village.[175] It has been argued earlier that the burden of *visti* was usually shifted on to the poorest sections of the village, and that there is no reason to think that it was otherwise for women. While Vatsayana's statement may suggest the decreased need for slave labour in early medieval times, the vulnerability of women to sexual exploitation survived even in *visti*. Vatsayana concludes his statement on the performance of *visti* by women by pointing out that the practice gave rise to occasions on which sexual intercourse may be had with these women.

A striking example of the exploitation of women in debt bondage, is provided by the statement made by Narada and Vishnu that women, like cattle, could be lent out to others.[176] Women were also listed along with gold and grain, but were especially associated with cattle, who may not only be lent out but upon whom it is also normal to levy interest. For both women and cattle the interest prescribed was the same—one issue.[177] This means that when a woman was borrowed and subsequently returned to the original owner, she would have to be returned along with one of the issues that she would have produced during the period of the loan. If she had more than one issue, the borrower would be entitled to keep the others. Even as a theoretical exercise, this proposition smacks of crass materialism and a peculiarly insensitive form of exploitation. Quite obviously bondswomen were mere objects and the notion of a family unit did not exist for them. It is unmistakably clear that in whatever form labour was extracted from women, the exploitation they suffered was unique to them.

Perceptions of exploitation

Interesting facts of slavery and labour in ancient India can be gleaned from the existing literature, and especially from the rich

Buddhist narrative literature. The sources include material, which when pieced together, provides a perspective of exploitation—both of the exploiters and the exploited. The *Digha Nikaya* highlights the tremendous social distance which existed between one human being and another, with the king and the *dasa* representing the two extremes of the continuum. What is more significant is that the *dasa* is depicted as being aware of his low status in relation to the king, even though both shared the basic characteristic of being men. The *dasa* says to himself,

> Here is Ajatasattu, the King of Magadha. He is a man and so am I. But the king lives in the full enjoyment of the five pleasures of the senses—a very god methinks—and here am I a slave, working for him, rising before him and retiring later to rest, keen to carry out his pleasure, anxious to make myself agreeable in deed and word, watching his very looks.[178]

The *dasa* clearly recognizes the wide and unbridgeable gap between the king and the slave, representing as they do the opposite ends of the social and political hierarchy.

The Buddhist texts refer to an interesting case of a *dasi's* awareness of her skill, labour and meekness not only being taken for granted, but also leading to the mistaken notion that her mistress was a gentle-tempered woman. The *dasi* thought to herself, 'Now, does my mistress have an inward ill temper that she does not show because I do my work so carefully?' She proceeds to test and expose the real temperament of the mistress by getting up late three mornings in succession. The mistress' temper began to crack under the strain of her *dasi's* self-indulgent and unslave-like behaviour, and she began to abuse and threaten the latter. On the third morning, when the *dasi* showed no signs of mending her ways, the mistress said, 'Well now Kali, why did you get up late today?' 'That's nothing mistress', replied the *dasi*. Infuriated by this reply the mistress shouted, 'That's nothing indeed, bad slave', and grabbing the bolt of a door she physically assaulted the *dasi* by giving her a vicious blow on the head. Kali, the slave woman then showed her blood-spattered head to the neighbours,[179] and effectively put an end to the myth of the 'gentle temper' of her mistress.

The consciousness of exploitation and the consequent tension arising from it is apparent in another statement in the *Majjhima*

Nikaya, where the master of some *dasas* complained to the Buddha that the *dasas* did one thing with their bodies, said another with their speech, but had something else in their minds.[180] Apparently, the masters were not unaware of the undercurrent of resentment which the *dasas* harboured because of their low position. One master implicitly recognized that the surplus controlled by him was produced through the labour of his *dasa-karmakaras.* In a moment of weakness, the master even acknowledged that rather than distributing a part of his surplus to the *shramanas* and *brahmans* he should have given it to the *dasa-karmakaras* instead.[181]

The Pali texts also indicate that the *dasa-karmakaras* often carried out orders under duress and the fear of punishment.[182] The atmosphere of coercion and physical violence is graphically summed up in the *Mahabharata:*

> Men acquire [other] men as slaves, and by beating and otherwise subjugating them make them work day and night. These people are not ignorant of the pain that is caused by beating and chains.[183]

The same passage has also been rendered as follows:

> Human beings, enslaved by human beings, are exploited by them;
> Tortured, shackled and incarcerated are forced to work day and night;
> Though they (who do this) themselves know the agony evoked by torture and chains.[184]

The perception of exploitation appears to have crystallized into an act of retaliation, at least in one instance described by the Pali sources. According to the *Vinaya Pitaka*, the *dasa-karmakaras* of the Sakyans violated the Sakyan womenfolk to wreak vengeance against them.[185] The most significant aspect of this reference is that it is the *dasa-karmakaras* of one of the *gana-sanghas* who were responsible for the only instance of retaliatory action in the existing literature. It has been argued elsewhere that this collective action was possible because of certain characteristics of the social organization of the *gana-sanghas*. Since the *dasa-karmakaras* worked on the land for joint masters, and were themselves a group

in relation to their masters, it was easier for them to take collective action against their masters. The group consciousness of the *dasa-karmakaras* was possible not only because they shared the same material interests, but because they could translate this into a feeling of solidarity, in opposition to their masters.

Given the evidence for the perception of exploitation, it would not be out of place to analyze the attitudes of the philosophers of ancient India towards the contemporary economic situation, especially towards servitude and exploitation. It has been suggested that some of the heterodox philosophers, particularly Gotama Buddha, were actually social philosophers,[186] and that they represented a more humanitarian and egalitarian approach to the lower sections of society.[187] The sixth century BC witnessed one of the major efforts by philosophers towards an understanding of human existence. We have earlier argued that the period was characterized by the emergence of sharp economic and social inequalities, and that this process was accompanied by a breakdown of the familiar traditional institutions. Basham has pointed to a relationship between the breakdown of tribal units and the rise of the heterodox philosophies;[188] but it should be emphasized that the breakdown of tribal units was also related to the emerging economic and social differentiation. It is against this background that the large scale eruption of philosophical speculation must be viewed.

Chattopadhyaya has argued that the central concept of *dukkha* or sorrow in the teachings of the Buddha was a result of the transformation of concrete material suffering into a metaphysical principle of eternal suffering. He suggests that through this transformation the Buddha gave a completely subjective turn to the most oppressive problems of this age.[189] However, the Buddha also responded more directly to the changing environment in which he was placed by postulating a dialectical relationship with the new society. On the one hand he rejected the emerging inegalitarian structure of society and created the institution of the *sangha*, where all men were equal regardless of their origin. The *sangha*, created as a parallel society, did not encourage private property, and was based on the vanishing pre-class tribal societies of the past.[190] But at the same time, the Buddha conceded the existence of both social and economic disparities in the world outside the *sangha*, an attitude with which we are primarily concerned. The Buddhist attitude to economic disparity, and specially to poverty, is certainly more

humane than the harsh view of the brahmanical tradition. The blueprint of the ideal society envisaged by the Buddha was one in which the king had the responsibility of abolishing destitution. The ideal king was expected to ensure full employment for all sections of people in his kingdom. He was also advised to establish a perpetual grant to provide food for the hungry and money for the needy.[191] The Buddhist utopia clearly had no place for poverty and exploitation, but unfortunately the ideal society was a distant concept in the face of existing reality. The Buddha had, therefore, to come to grips with this harsh reality, which he attempted to temper with moderation. He banned, for example, his layfollowers from living on an income derived from slave trade.[192] The Buddha's awareness of the suffering inherent in servitude is evident in his statement that servitude *(dasyam),* debt, imprisonment, illness, and a journey through the wilderness, were the most painful miseries one could experience.[193] He exhorted his layfollowers to treat their *dasa-karmakaras* with consideration—by assigning them work according to their capacity, by supplying them with food and wages, by tending them in sickness, by granting them leave occasionally, and by sharing unusual delicacies with them. He concluded that if the masters followed this code, they would be rewarded with loyal workers who would rise before their masters, go to bed after them, and serve them dutifully.[194]

The Buddha's specific exhortation to his layfollowers regarding the ideal treatment to be meted out to the *dasa-karmakaras* also indicates the parameters within which the Buddha viewed the problem of exploitation. It existed, it could be tempered—but it could not really be eliminated. More significant, the Buddha expressed his disapproval of *dasa-karmakaras* who were envious of their master's wealth.[195] Similarly, even though entry to the *sangha* was technically open to all, a later ruling closed the doors to debtors and runaway slaves. Further, slavery itself was rationalized to some extent by suggesting that a person was born a slave because of the *paapam* (bad deeds) committed in a previous birth.[196] This is not very different from Narada's belief that a person is born as a *dasa* in the creditor's house if he defaults in the repayment of a debt.[197]

A survey of the ideas of the major thinkers of ancient India clearly reveals that not one of them recommended the abolition of slavery. Even a humanitarian king like Ashoka did not use his power to legislate against slavery, though he expressed repentance for the

suffering of the Kalinga war and the capture of thousands of Kalingans. Both Ashoka and the Buddha did, however, exhort that the *dasas* and *karmakaras* be treated with moderation. This may be interpreted as an instinctive application of management techniques. Their exhortations appear to be directed more towards social harmony, while ensuring the maximum output of labour from the *dasa-karmakaras.* The major thinkers of ancient India accepted hierarchical relations and the appropriation of surplus. The only difference among them related to the method of appropriation: the more humane suggested the less cruel, but more efficient techniques of appropriation which would not generate hostility and conflict. Simultaneously all the heterodox philosophers offered relief from existing miseries in a future existence. The Buddhists and the Jainas also offered immediate relief in their *sanghas*—their parallel societies although even this relief was denied to the debtor and the *dasa.*

A more direct relationship between slavery and philosophical thought has been suggested by D P Chattopadhyaya, who based his argument on the life and teaching of Makkhali Gosala.[198] Makkhali Gosala, a contemporary of the Buddha and Mahavira, was one of the six heterodox philosophers of the sixth century BC. The central tenet of the Ajivika doctrine, which is also apparent in the ideas of at least two of the five other thinkers of the sixth century BC, is a belief in the principle of *niyati* (fate), and may be summed up in the Ajivika slogan *n'atthi purisakare,* meaning 'human effort is ineffectual'.[199] The dominant tone of this philosophy represents a deep sense of frustration and human ineffectuality in controlling or shaping one's destiny. It is also important to relate these ideas to the significant episodes in Makkhali Gosala's life.

The first significant fact about Makkhali Gosala's life is the story of his birth. According to a Jaina source, Makkhali Gosala was born in the cowshed of a wealthy cattle owner while his parents were travelling and were unable to find accommodation in the main village. He was named after his birth place—*gosala* or cattle shed.[200] A later Buddhist source corroborates the account of his birth in a cowshed, but it also states that Gosala was a slave. According to the Buddhist account, Gosala the slave was carrying a pot of oil over a muddy patch, and he stumbled while walking and spilt the oil. Fearing the wrath of the master who was accompanying him, Gosala attempted to flee, but was caught by the master who grabbed the edge of his robe. Leaving his robe behind, Gosala escaped in a state

of nudity and became a naked mendicant.[201] According to this version, Gosala was a runaway slave. An even more significant reference to Makkhali Gosala is made in the *Mahabharata*, but this unfortunately is somewhat sketchy: Manki (who is identified with Makkhali Gosala) is described as purchasing a couple of young bulls with the last of his resources after a series of failures in all his ventures. One day the bulls broke loose and were accidentally killed. Manki thereupon uttered a long chant on the power of destiny and the advisability of desirelessness and inactivity. Basham associates the story with the leader of the Ajivika sect, and links it with the typical cry of the peasant impoverished by the failure of his crops or herds.[202] The common feature in all these stories is the uncertainty of material conditions, and the feeling of inadequacy in being able to cope with them.

Additional information on Makkhali Gosala suggests that he spent some years as an associate of Mahavira but subsequently split with him, and that he died after a bout of illness.[203] This may be interpreted as a breakdown following a sense of complete disillusionment. Significantly, Purana Kassapa, whose teachings are similar to those of Makkhali Gosala, and who is another contemporary of the Buddha, is also described as a runaway slave. His teaching career ended in humiliation, whereupon he committed suicide.[204] Purana Kassapa's teachings make no distinction between good and evil, or between murderers, plunderers, and torturers, and others who give alms and perform similar 'meritorious' actions.[205] Taken together, the views of Purana Kassapa and Makkhali Gosala are characterized by a deep sense of futility, moral collapse and the powerlessness of human effort. Possibly, these views were an outcome of their own experiences and perceptions of the world around them. The views themselves are similar to the imagery used by the bonded labourers of Bihar, who may be far removed in time but not in sentiment, when they describe their situation as one in which they are surrounded by a limitless expanse of water with no sight of land anywhere.[206] The same views are echoed in the song of the *hali*,[207] the bonded labourer of Gujarat, even today:

I go in darkness
I return in darkness
My whole life is full of darkness
There is no ray of light.

Notes and References

1. This essay is based primarily on secondary literature except for the analysis of the pre-Mauryan Buddhist literature which is based on data from primary sources · Almost all the secondary literature on slavery in ancient India is confined to North India and therefore the paper runs the risk of having a regional bias. Sanskrit and Pali words are transliterated according to the standard system at present used by Indologists. The word *gahapati* appears only in the Pali form; *karmakara* appears in both the Pali and Sanskrit forms according to the source used.
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3. *Kautilya Arthasastra*, Part II, translated by R.P. Kangle, Bombay, 1963, p. 274.
4. *Yajnavalkya*, XIV. 183.2.
5. M.I. Finley, 'Between Slavery and Freedom', *Comparative Studies in Society and History*, Vol. VI, 1963-64, p. 23.
6. *Ibid.*, pp. 237-238.
7. Perry Anderson, *Passages From Antiquity to Feudalism*, London, 1974, p. 21.
8. Finley, p. 248.
9. *Majjhima Nikaya*, Vol. II, translated by I.B. Horner, *The Middle Length Sayings*, London, 1975, p. 341.
10. Emile Beniveste, *Indo-European Language and Society*, London, 1973, pp. 240, 260-261; R.S. Sharma, 'Conflict, Distribution and Differentiation in RgVedic Society', *The Indian Historical Review*, Vol. IV, No. 1, July 1977, p. 2.
11. R.S. Sharma, *Sudras in Ancient India*, Delhi, 1980, p. 24.
12. According to Kosambi the conquered *dasa* population provided for the formation of a servile labour class and that thereafter the word came to mean a helot of some sort. (D.D. Kosambi, *An Introduction to the Study of Indian History*, Bombay, 1975, p. 97.)
13. H.W. Bailey, 'Iranian Arya and Daha', *Translations of the Philological Society*, London, 1959, p. 114.
14. *Digha Nikaya*, Vol. II, ed. by T.W. Rhys Davids and J. Carpentier, London, 1911, p. 72.
15. *RgVeda*, III. 62.14; Kosambi, p. 98.
16. *Jataka*, Vol. VI, ed. by V. Fausboll, London, 1964, p. 300; Chanana, p. 64.
17. *Vinaya Pitaka*, Vol. IV, ed. by H. Oldenberg, London, 1902, p. 224.
18. *The Jataka Stories*, Vol. V, translated by E.B. Cowell, London, 1957, p. 139.
19. J.C. Jain, *Life in Ancient India as Depicted in the Jain Canons*, Bombay, 1939, pp. 106-108.
20. *Arthasastra*, III. 13.
21. *Ibid.*, III. 13.20.
22. *Ibid.*, III. 13.20.
23. *Ibid.*, III. 13.9 and 11.
24. *Ibid.*, III. 13.6.
25. *Manu*, VIII. 415.
26. *Narada*, V. 26-28.
27. *RgVeda*, X. 34.
28. *Narada*, V. 29.
29. *Ibid.*, V. 31-36.

30. *Arthasastra*, III. 13.14.
31. *Ibid.*
32. E. Mackay, *Early Indus Civilization*, London, 1948, p. 39.
33. R.M. Wheeler, *The Indus Civilization*, Cambridge, 1953, p. 23.
34. S. Piggott, *Pre-Historic India*, Harmondsworth, 1948, p. 138.
35. J. Marshall, *Mohenjodaro*, Vol. I, London, 1931, p. 92.
36. D.R. Chanana, p. 18.
37. *Ibid.*, p. 19.
38. R.S. Sharma, *Sudras in Ancient India*, Delhi, 1980, p. 11.
39. *Ibid.*
40. *Ibid.; RgVeda*, IV, 28.4; V. 34.6.
41. R.S. Sharma, *Sudras in Ancient India*, p. 24.
42. *Ibid.*
43. *Ibid.*, p. 25.
44. *Ibid.*
45. *RgVeda*, X. 62.10.
46. *Ibid.*, X. 34.4.
47. R.S. Sharma, *Sudras in Ancient India*, p. 25.
48. *Ibid.*, p. 30.
49. R.S. Sharma, 'Conflict, Distribution and Differentiation in RgVedic Society', p. 11.
50. *Ibid.*, pp. 10-11.
51. *Ibid.*, p. 4.
52. R.S. Sharma, *Sudras in Ancient India*, p. 24.
53. *Ibid.*, p. 30.
54. *Ibid.*, p. 51; *Latyayana Srautasutra*, VIII. 4.14.
55. R.S. Sharma, *Sudras in Ancient India*, p. 88.
56. U. Chakravarti, *The Social Dimensions of Early Buddhism*, unpublished Ph.D. thesis, University of Delhi, 1981. Part of the analysis in this paper is based on this thesis.
57. *Digha Nikaya*, Vol. III, Nalanda, 1958, pp. 63-76.
58. *Ibid.*
59. A.N. Bose, *Social and Rural Economy of North India*, Vol. I, Calcutta, 1942, p. 17.
60. *Sutta Nipata, Khuddaka Nikaya*, Vol. I, Nalanda, 1958, p. 281.
61. Panini, *Astadhyayi*, Vol. I, translated by S.C. Vasu, Delhi, 1962, p. 417.
62. A.N. Bose, Vol. II, 1976, p. 270.
63. R.S. Sharma, 'Conflict, Distribution and Differentiation in RgVedic Society', p. 11.
64. *Tantravartika of Kumarila*, Poona, 1910, p. 3185, cited in D.R. Chanana, p. 132.
65. *Arthasastra*, II. 24. 28.
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71. *Kautilya Arthasastra*, Pt. II, translated by R.P. Kangle, Bombay, 1963, p. 175.

72. *Jataka*, III, 445; R.S. Sharma, *Sudras in Ancient India*, p. 109.
73. R.S. Sharma, *Sudras in Ancient India*, p. 110.
74. U. Chakravarti, pp. 167-178.
75. D.R. Chanana, p. 107.
76. *Arthasastra*, III.13.
77. *Kautilya Arthasastra*, Pt. II, translated by R.P. Kangle, p. 271.
78. D.R. Chanana, p. 89, note e.
79. *Kautilya Arthasastra*, Pt. II, translated by R.P. Kangle, pp. 271-274.
80. D.D. Kosambi, pp. 217, 230.
81. *Kautilya Arthasastra*, Pt. II, translated by R.P. Kangle, p. 171.
82. *Ibid.*, pp. 62, 65.
83. *Arthasastra*, II. 15.61.
84. *Ibid.*, II. 25.9.
85. R.S. Sharma, *Sudras in Ancient India*, p. 192.
86. *Manu*, VII. 13-30.
87. *Ibid.*, VIII. 413.
88. *Ibid.*
89. *Ibid.*, VIII. 414.
90. *Ibid.*, VIII. 412.
91. *Ibid.*, IX. 179.
92. Like Manu the *brahman* law-givers of the following period also continued to be concerned about the need to fit the master-*dasa* relationship within the framework of caste. Yajnavalkya, Narada, and Katyayana state that slavery should conform to the *anuloma* order, i.e. be congruent with caste, and not be in the inverted order. Katyayana even asserts that the *brahman*, cannot ever be a *dasa*.
93. Elsewhere Manu does recognize the right of the creditor to get work out of his debtor if the latter is unable to pay back the debt (IX, 229). That debt bondage existed is clear from the *Milindapanho* which speaks of the father's right to mortgage or sell his son when in debt. It states: 'Is it not a general practice according to which it is allowable for a father who is in debt or has lost his livelihood to deposit his son in pledge or to sell him?' (IV, viii-7).
94. *Milindapanho*, ed. by V. Trenckner, London, 1928, p. 147.
95. *Mahabhasya*, III. 1.26.
96. R.S. Sharma, *Sudras in Ancient India*, p. 240.
97. *Mahabhasya*, II. 33.
98. *Arthasastra*, II. 23.
99. *Narada*, V. 5-7.
100. *Narada*, V.5; *Brhaspati*, XV. 15-16.
101. *Narada*, V. 23-25.
102. R.S. Sharma, *Sudras in Ancient India*, pp. 255-256.
103. K.J. Vriji, *Ancient History of Saurashtra*, Bombay, 1952, pp. 246-247.
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105. *Ibid.*, p. 254.
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107. G.K. Rai, 'Forced Labour in Ancient and Early Medieval India', *The Indian Historical Review*, p. 37.
108. *Ibid.*
109. D.D. Kosambi, *The Culture and Civilization of Ancient India: An Historical Outline*, Delhi, 1975, p. 153.

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111. *Epigraphica Indica,* IX, No. 5, 45, 1. 29.
112. G.K. Rai, p. 37.
113. *Bhagavata Purana,* V, 9.11.
114. *Kamasutra,* V, 5.5.
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116. *Bhagavata Purana,* V, 12.7.
117. G.K. Rai, p. 41.
118. R.S. Sharma, 'Usury in Early Medieval India (AD 400-1200)', *Comparative Studies in Society and History,* Vol. VIII, No. 1, October 1965, p. 66.
119. *Ibid.*, p. 68.
120. *Ibid.*
121. *Manu,* VIII. 142; *Yajnavalkya,* II. 37; *Narada,* I. 100.
122. D.D. Kosambi, *An Introduction to the Study of Indian History,* Bombay, pp. 254-255.
123. *Ibid.*
124. R.S. Sharma, 'Conflict, Distribution and Differentiation in RgVedic Society', p. 3.
125. *Chandogya Upanisad,* XXIV.2.
126. *Aitereya Brahmana,* VIII.22.
127. *RgVeda,* VIII. 56.3.
128. *Ibid.*, X. 86.5.
129. *Chandogya Upanisad,* XXIV.2.
130. *RgVeda,* X. 62.10; R.S. Sharma, 'Conflict, Distribution and Differentiation in RgVedic Society', pp. 10-11.
131. *Ibid.*, p. 3.
132. *Ibid.*
133. *Aitereya Brahmana,* VIII. 22; *Brhadaranyaka Upanisad,* VI. 2.7; *Mahabharata,* II. 33.52; *RgVeda,* I.158.5-6.
134. *Ibid.*, D.R. Chanana, p. 21.
135. *Aitereya Brahmana,* VIII. 22.
136. *Sutta Nipata,* translated by V. Fausboll in *Sacred Books of the East,* Vol. XI, Pt. II, Delhi, 1977, p. 49.
137. *Atharva Veda,* XII.4.9.
138. *Jataka,* I, 163.
139. *Vinaya Pitaka,* Vol. III, 135, ed. by H. Oldenberg, London, 1902.
140. *Dhammapada Atthakatha,* Vol. I, ed. by H.C. Norman, London, 1906, p. 400; D.R. Chanana, p. 160, n. 108.
141. *Jataka,* Vol. VI, ed. by V. Fausboll, p. 523.
142. *Dhammapada Atthakatha,* III. 157.
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144. *Majjhima Nikaya,* Vol. I, Nalanda, 1958, p. 167.
145. *Jataka,* Vol. I, p. 318.
146. *Jataka,* Vol. II, p. 428.
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148. *Jataka,* Voi. I, pp. 211, 147.
149 E.W. Burlingame, *Buddhist Legends,* Vol. 29, Pt. II, Cambridge, 1921.
150. *Atharva Veda,* VII, 90.1.

151. D.R. Chanana, p. 48.
152. *Ibid.*
153. *Arthasastra*, III, 13.
154. *Jataka*, Vol. III, p. 309.
155. A late reference in the *Agni Purana* suggests the possibility of a flourishing slave trade in exotic women for the entertainment and sexual pleasure of the wealthy sections. The reference in the *Agni Purana* provides for the imposition of import duties on *dasis* according to the country of origin.
156. *Dhammapada Atthakatha*, III. 166; *Jataka*, Vol. V, p. 278; *Jataka*, Vol. V, p. 259.
157. *Arthasastra*, II. 23.2.
158. *Ibid.*, II. 23.11.
159. *Ibid.*, II. 27.8.
160. *Ibid.*, I.12.13.
161. *Jataka*, Vol. III, p. 167.
162. *Jataka*, Vol. I, p. 299.
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170. *Ibid.*, 4.12.26.
171. *Ibid.*, 3.13.23.
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174. *Kamasutra*, V. 5.5.
175. *Ibid.*
176. *Visnu*, VI. 11-15; *Narada*, I. 106-107.
177. *Ibid.*
178. *Digha Nikaya*, Vol. I, translated by T.W. Rhys Davids in *Dialogues of the Buddha*, London, 1973, p. 76.
179. *Majjhima Nikaya*, translated by I.B. Horner in *The Middle Length Sayings*. London, 1976, p. 163.
180. *Ibid.*, Vol. II, p. 5.
181. *Samyutta Nikaya*, I, Nalanda, 1959, p. 91.
182. *Majjhima Nikaya*, Vol. II, translated by I.B. Horner, p. 9.
183. *Mahabharata*, XII, 262.38.
184. S. Patil, *Dasa-Sudra Slavery*, Delhi, 1982, p. 2.
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188. A.L. Basham, *The History and Doctrines of the Ajivikas*, Delhi, 1981, p. 285.
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190. *Ibid.*, p. 503.
191. *Digha Nikaya*, Vol. III, Nalanda, 1958, pp. 56-57; Vol. I, pp. 115-116.
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194. *Ibid.*, Vol. III, p. 182.
195. *Anguttara Nikaya*, translated by F.L. Woodward in *The Book of Gradual Sayings*, Vol. V, London, 1932, p. 27.
196. *Jataka*, Vol. VI, p. 235.
197. *Dharmakosa*, ed. by Laxman Shastri Joshi, Wai, Vol. I, Pt. 2, p. 695; R.S. Sharma, 'Usury in Medieval India' p. 74.
198. D.P. Chattopadhyaya, *Lokayata*, pp. 514-524.
199. A.L. Basham, *The History and Doctrines of the Ajivikas*, p. 9.
200. *Bhagvati Sutra*, XV; A.L. Basham, *The History and Doctrines of the Ajivikas*, p. 35.
201. *Ibid.*, p. 37.
202. *Ibid.*, p.9.
203. *Ibid.*, pp. 58-62.
204. D.P. Chattopadhyaya, pp. 513-514.
205. *Digha Nikaya*, Vol. I, translated by T.W. Rhys Davids, p. 70.
206. Private communication from Dr. A. Chakravarti based on field work in Bihar.
207. Song of *hali*, bonded labourer of Gujarat, *Point of View*, VI, 52, 1978, p. 32.

2

SULTANS, EUNUCHS AND DOMESTICS

New forms of bondage in medieval India

Salim Kidwai

This section, intended as a survey of slavery in medieval India, may appear lopsided. There seems to be an over emphasis on the newer dimensions of the problem as they emerged with the Turkish conquest which in turn, successfully ousted the indigenous ruling classes in the Indo-gangetic plains. This is due primarily to two reasons. First, the information obtained from original sources that have been quoted here is in Persian, and this limits the scope of the paper in terms of the area surveyed. The second factor is related to the nature of these sources—the recording of history was confined in its needs and appreciation to the upper classes. It is not surprising therefore that little information is available about rural indebtedness and the socio-religious sanctions that constituted bondage at the rural level. It is possible that this lack of information about slavery and bondage even when other facts about the agrarian sector are available implies that these relationships were so well defined and firmly entrenched that they did not merit specific comment from the casual observer.

There is however some merit in this approach. The beginning of the thirteenth century marks no major break in the continuity of Indian history in terms of economic and social relationships. But we also see the introduction of radically different aspects of slavery by the new rulers. This period also saw the growth of domestic slavery

to very major dimensions. This extensive incidence of domestic slavery is a characteristic feature of medieval India.

In the last chapter, slavery and its socioeconomic manifestations in ancient India have been discussed along with the religious sanctions which made slavery an essential feature of the social structure. Change at the level of political overlordship produced no drastic changes at the bottom of the hierarchical structure which comprised the masses of the peasants. Who ultimately received the peasants' surplus or how this surplus was apportioned did not lead to any significant change in the existing structure of economic relationships because the sole aim of those in power was to extract the maximum from the peasants. Thus one may presume a continuity in the economic relations, the reality of which was not altered by political change at the top.

Yet slavery during this period acquired connotations and a magnitude which were bound to affect the ruled. The new rulers were a product of a very different historical experience—one in which slavery played a major and unconventional role. The growing demands of domestic slavery also had to be met, largely, from within the subcontinent. Moreover, there also appeared a different legal code regarding slavery, allegedly based on the professed belief in egalitarian ideals. These have to be examined in greater detail. Within this larger and more studied dimension of slavery in medieval India, certain distinctions have to be made and the different types of slavery delineated because confusion persists in the historiography of medieval India. All forms of slavery are assumed to be basically similar. The peculiar developments within the history of Islam are often sought to be understood through the religious injunctions as dictated by the Qur'an and the *Shariah* a few centuries earlier. This obviously leads to glaring contradictions. On the one hand, we have a situation in which a 'slave' has as good a chance if not a better one than any other rival, of assuming political power. On the other hand there was an increase in one of the most degrading and cruel manifestations of slavery—the eunuchs, who were the mainstays in the functioning of the households of the upper classes. Neither of these eventualities was considered in the religious guidelines on the status and treatment of slaves. The position and condition of these slaves had little direct connection with religious thought on the subject.

Similarly, the fact that some kings had originally been slaves has led to the perpetuation of the belief that the position of all slaves in the new set up was enviable and that numerous avenues were open for emancipation. Not unexpectedly, apologists have tried to explain this phenomenon as a direct result of the liberal and egalitarian principles of Islam. Ameer Ali, insisting that Muhammad had radically changed the character of slavery in general, asserted that 'the slave of today is the grand vizier of tomorrow'.[1] Nizami, while explaining the evolution of slave officers, maintains that a detailed summary of the humane laws of Islam should be included whereby strictly defined and easily accessible legal avenues for emancipation were available to all slaves. He also holds that the eventual emancipation of all slaves was almost inbuilt into Islamic law.[2] Even some orientalists have been misled into making some sympathetic, though totally unjustified, assumptions. Lanepoole felt that 'whatever may be said against the slave system, in the East it has tended to the production of great men' and 'in the East a slave is often held to be better than a son'.[3]

Habib recently pointed out that there was a great deal of difference between the 'elite' slaves of the Sultan and the mass of the domestic slaves.[4] But what needs to be emphasized here is that the difference in fortune of these two groups of slaves was not because some were lucky to have masters who were rulers (*bandas* as opposed to the more unfortunate domestic slaves—the *burdas* and the *kanizaks*). Though both types were slaves, the only point of similarity between the two was the element of sale, which is no doubt an important element in the definition of slavery. But the compulsions and demands that led to the sale should also be taken into account. This would clarify our perspectives on the native nature of these forms of slavery. The 'elite' slaves were a product of historical development. They were political and military agents, not bonded labour like the domestic slaves. They were a prized commodity and not cheap labour. This is strikingly apparent from a comparison of the prices of the two. Malik Kafur, Ala al Din Khilji's general and companion, was supposed to have been purchased for 1,000 *dinars,*[5] while during the same emperor's reign a male slave was available in the market for ten to fifteen *tankas.*[6] Slavery had become a convenient tool for recruiting military and bureaucratic personnel. Hence we see a gradual disappearance of these groups of slaves and a continued growth in the number of domestic slaves.

The free born would soon replace the slaves in the military and administrative fields. But more and more free born were converted into slaves to serve the needs of the prospering upper classes. There were other aspects to slavery. The role that slave labour played in economic production was limited. Yet slaves were essential to the early stages of urban economic development under early Turkish rule. This needs further elaboration as to the forms of sexual slavery, as indicated by the growing number of slave concubines and eunuchs.

It is imperative to keep in mind that the role bondage played in the economy of the rural areas must have continued independent and unaltered, at least initially. With the establishment of the Turks, no major change seems to have occurred in the economic set up of the now ruled societies. The ideas of Islam, the newly found religion of these slave mercenaries, probably made very little difference to the ruled.

In Islamic law, the sale of a person 'for debt is unknown'.[7] This had little or no impact in a situation where increasing differentiation in wealth had reduced one section of the rural population into permanent bondage. Bondage was increasingly incorporated into the caste system by successive social and political theorists so that it had become an accepted part of the rural sector.

In the early medieval period two forms of servitude were clearly seen. Forced labour or *visti,* which even when enforced on the entire village, rarely affected the rural rich, and bondage incurred in lieu of a debt. This form of bondage was often caused by loans of food taken from the dominant castes of the village. Both these forms of servitude were present, and probably intensified, during this period. R S Sharma has pointed out that from the eighth century onwards interest on loans taken was being paid for by physical labour.[8] The presence of forced labour is supported by evidence covering a wide region during this period.[9]

The thirteenth century saw the emergence of Turkish slave officers as military rulers of large parts of Northern India. Grunebaum has described similar developments elsewhere as the

> logical consummation of military governments essentially based on *iqta'at* whereby the state had now to some extent become the communal possession of the military ruling caste.[10]

Towards the end of the thirteenth century, however, attempts at

centralization of power and resources were clearly being made. In the fourteenth century a centralized and despotic state had been established. Centralization of political power was accompanied by the replacement of sundry tax demands on the peasants by a single land tax *(kharaj).* Successive attempts were made by the Sultans to increase the states' share in the surplus produced by the peasants. The state increased its share basically at the expense of the rural intermediaries that had emerged in the post-Gupta period.

During this period there seem to have been no developments that could have alleviated the conditions of the servile castes. The growing efficiency of the government tax collecting machinery and the increasing demands of those in power must have added to the pressure on this section of the village community. Evidence points to the presence of a permanent, servile, caste-based labour force in the rural areas, but the available information does not highlight their conditions. Barani, in the fourteenth century, referred to the lowest type of peasant as *balahar.*[11] This implies, possibly, that these peasants had to perform compulsory manual labour such as the carrying of loads. Moreland talks of this situation as one of mild serfdom and the position of these landless labourers as 'rarely free and scarcely ever slaves'.[12] For the Mughal period Habib points out that the presence of larger peasant holdings would mean demands for extra labour, especially at the time of planting and harvesting. This surplus labour was drawn from the depressed castes who had little chance of having their own land to till.[13] Certain castes, like the *balahars, thoris, dhanuks* and *chamars,* were also obliged to perform certain services for the *zamindars.*[14]

Another dimension observed during this period was an increase in urbanization and the use of money in the economy. This was accompanied by a growing demand for slaves in the urban centres and the consequent flourishing of slave markets.

Slaves have been in Islamic history since the time of its inception. There were black slaves (generally Ethiopians) in Mecca, and rich Meccans used slave labour on their estates in Ta'if. Once the Arabs spread to more fertile areas, there was little need for slave labour in agriculture because the cultivators were not displaced. Slave labour was used for exceptional work such as bringing uncultivated land under cultivation. Domestic slavery was fairly widespread. By the middle of the ninth century so alienated had the Caliphal authority become from all its traditional sources of support,[15]

that the Caliphs had to create a body of soldiery entirely dependent on and totally loyal to them. This was to have major repercussions for it defined the future nature of the polity in Caliphate. The Caliph Mu'tasim (AD 833-42) raised an army of 70,000 slaves. Young slave boys, usually Turkish, were imported and trained for the army. Though there were Berber, Negro and Slav slaves too, it was the Turks who came to dominate these slave corps. These slave troops were either given salaries or were paid through revenue assignments. Attempts were made to keep them from integrating with the local society. This partly explains why the Caliphal capital was shifted from Baghdad to Samarra in 836.

A slave army, to be an effective and exclusive basis of strength for the Caliphs, not only had to be dependent for all its privileges on the government, but had to be composed almost entirely of aliens (the Eurasian steppes were an ideal source for such potential soldiers). Since they were the only source of support of the Caliph, these slaves rose fast and held important and responsible jobs. They began to assert their right to interfere in issues relating to succession and had soon converted their military strength into political clout. Most of these slaves achieved free man status but that is of little consequence because their situation of bondage had not placed them under any of the economic constraints which are usually characteristic of bondage. Slavery happened, in this situation, to be a means for the building of a privileged state-service.

Since these slave troops became the most crucial branch of government, militarization of the total polity was a natural consequence. This militarization was achieved by the Turkish slaves, and as a result Turkish slave troops became a regular feature. The Buwayhids had their slave troops and so did the Samanids. The Ghaznavid dynasty was founded by a former slave with the help of slave troops. Former slaves came to power in Egypt at about the same time that such developments were taking place in India.[16]

The continuous employment of Turkish slave troops and its effectiveness has been explained by Hodgson.[17] The development of horse nomadism in the Eurasian steppes had created a huge reservoir of military power beyond the frontiers of *Dar al Islam,* from which the slave troops could be drawn with ease. The strength of the slave corps lay in their solidarity which was easily assured by making them a privileged band of soldier-administrators. Thus slavery became a passport for entry into a service where a successful career

awaited the talented and the ambitious. That slavery was just a label attached to what was essentially an organized civil and military service is illustrated by the fact that regular norms rapidly developed with regard to the training, treatment and careers of these slaves. Nizam al Mulk, the capable vazir of the Seljuq Sultan, Malik Shah (AD 1072-92), and the famed author of the *Siyasat Namah,* the most well known of the political treatises of the 'mirror for princes' genre, described the training of the slaves under the Samanids.

> Slaves were promoted in stages, in accordance with their service, skill and merit. Thus when they brought a new slave they made him serve one year on foot. He walked by the stirrup and wore a *zandani* coat ... When one year of service was completed, the tent commander informed the chamberlain, who arranged for him to be given a Turkish horse with a cord in its mouth and a plain bit and strap. When he had served for one year with a horse and a whip, they gave him a long sword to gird around his waist. In the fifth year they gave him a better saddle, a bridle adorned with a star ... In the sixth year they gave him a parade dress, and in the seventh year they gave him a tent with one pole and sixteen pegs and assigned three [new] slaves to him. They gave him the title of tent commander and dressed him in a black felt hat adorned with silver and a *ganja* cloak. Each year they increased his status, dignity, and rank until he became a troop commander and eventually a chamberlain. If his capacity and skill became generally known, if he accomplished some great deed and was manly and loyal to his sovereign, they would make him an *amir* and appoint him governor of a province, but not before he reached the age of thirty five.[18]

It was from slaves such as these, who became *amirs* and governors by the time they were 35, that the slaves who laid the foundation of the Delhi Sultanate were drawn. These slave rulers continued to depend on slave troops and administrators as their chief personnel. This system was a product of the contemporary political situation, and legal subtleties regarding the position of slaves had little meaning in their situation. It seems futile then to suggest that there were legal advantages in 'assigning government office to a trained and well educated slave' as Nizami has suggested. He

outlined three legal advantages for the Sultans which led to the perpetuation of this system:

> The slave could not marry without permission of his master; the children of the slave were in their turn, slaves of the master and his heirs; lastly, the slave, when he died, was inherited [sic] by his master and not by his children.[19]

Ibn Khaldun (AD 1332-1406), the great historian and analyst, perceived the role of these slaves in a clearer perspective. Talking of the Mamluk state, also defended and maintained by imported Turkish slaves, he felt that God had saved the Muslim land from anarchy and decay

> ... by sending to the Muslims, from the Turkish nation and from among its great and numerous tribes, rulers to defend them and utterly loyal helpers, who brought [them] from the House of War *(Dar al Harb)* to the House of Islam *(Dar al Islam)* under the rule of slavery, which hides in itself a divine blessing. By means of slavery they learn glory and blessing and are exposed to divine providence; cured by slavery, they entered the Muslim religion with the firm resolve of true believers and yet with nomadic virtues unsullied by debased nature, unadulterated with the filth of pleasure, undefiled by the ways of civilized living, and with their ardour unbroken by the profusion of luxury. The slave merchants bring them ... in batches, like sand-grouse to the watering places, and government buyers have them displayed for inspection and bid for them, raising their price above their value. They do this not in order to subjugate them, but because it intensifies loyalty, increases power and is conducive to ardent zeal. They choose from each group, according to what they observe of the characteristics of the race and the tribes. Then they place them in government barracks where they give them good and fair treatment, educate them, have them taught the Qur'an and kept at their religious studies until they have firm grasp of this. Then they train them in archery and fencing, in horsemanship, in hippodromes, and in thrusting with the lance ... When the masters know that they have reached the point when they are ready to defend them, even to die for them, they double their

> pay and increase their grants *(iqta),* and impose on them the duty to improve themselves in the use of weapons and in horsemanship, and so also to increase the number of men of their own race in the service of the state, appoint them to high state offices, and direct the affairs of the Muslims... Thus one intake comes after another and generation follows generation, and Islam rejoices in the benefits which it gains through them, and the branches of the Kingdom flourish with the freshness of youth. (*Ibar,* Vol. V, p. 371).[20]

Like Sultan al Mansur Qalawun of Egypt (AD 1280-90) who claimed that it was because of these slaves that 'Islam is today in glory with flags unfurled',[21] the Sultans of Delhi continued to import slaves to man the military and administrative system for as long as they could. These slaves were expensive commodities and the Sultans patronized slave-traders who supplied them with slaves from all parts of the world.[22] Iltutmish is known to have paid 50,000 *jitals* for a particular slave.[23] The dependence of the Sultans on slaves, particularly with respect to their army, continued longer than the tradition of political and military power held by slaves. Ala al Din Khilji had 50,000 slaves[24] and Muhammad ibn Tughlaq's army consisted of 20,000 Turkish *ghulams.*[25] That the number of royal slaves rose to astronomical proportions is clear from the fact that Firuz Shah Tughlaq possessed 1,80,000 slaves.[26] The activities and establishment of the Mongols disrupted the normal flow of Turkish slaves to the Sultanate, and as a result, Indian slaves such as Imad al Din Rayhan, Khusraw Khan and Khan Jahan Maqbul, rose to important positions.

African slaves were active in Bengal and in the South. The founders of the kingdoms of Ahmadnagar, Bijapur, Golcunda and Jaunpur were slaves. But the situation changed by the time the Mughal empire was firmly established in India. Slaves were no longer visible in the upper echelons of the army or in the administration, though the number of domestic slaves continued to grow.

These individuals were slaves by virtue of the fact that they had been sold and purchased, and their fate did not alter the reality of human bondage in general. They were the 'elite' during a particular period of history and their slave status was not inter-generational. Legality had no bearing on their situation and the fact that they were formally manumitted before they became kings was a mere formality, in reality a pretence. Issues concerning Iltutmish's status as a free

man at the time of his accession have been discussed at length. But it is doubtful whether the legal niceties were debated in this instance, when accession[27] of a woman to the throne was not questioned on legal grounds. (It is of interest to note that the rule of the Mamluks in Egypt had also seen a female ruler.)

While slaves assumed a role in the state apparatus with the establishment of Turkish rule, the number of domestic slaves also increased dramatically. The newer ruling classes were more cosmopolitan in their outlook than the ones that they had replaced, and they relied heavily on domestic slaves to cater to their personal needs and demands. The urban orientation of the new rulers was an impetus to the increase in domestic slavery as well as to the use of slave labour, though undoubtedly only to a limited extent in economic production. As the extent of power of the new ruling classes increased, so did their needs and demands, which led to an increase in the incidence of domestic slavery during this period.

Domestic slavery was not a new phenomenon in India. Its existence is well documented for the period before the coming of the Turks.[28] But there was a remarkable increase in its magnitude, and also a slight shift in its character. The slave household and its slave concubines, were products of a particular historical experience, and were features newly introduced in the subcontinent. Hodgson believed that in an unstable, fluid socio-political situation, where military prowess had replaced birth and lineage as the qualification for power and status, and where allegiances and alliances were shifting, the slave household was the only stable feature providing some sort of permanence to the lives of the elite.[29] Slaves consisted of the only constant factor in the life of a nobleman (who might himself have begun as a slave), and his social status was often defined in terms of his slaves. This element of instability also accounts for the social mobility of slaves.

Several crucial questions arise—Who were the people who constituted the ranks of these domestic slaves? What were the circumstances which led them into servitude? Foreign slaves continued to be available in spite of the disruption of the trade by the Mongols. Balban, a Turk, had been bought in Gujarat,[30] which along with Bengal was the centre of slave trade. Khan Jahan Maqbul, a nobleman of the fourteenth century, had 2,000 concubines in his *haram,* including women from 'Chin' and 'Rum',[31] who must, presumably, have been supplied by slave-traders. Later, the

Europeans, particularly the Dutch, became active in the slave trade.[32] There was a flourishing trade in black slaves in Bidar.[33] The defeated Mongols and their women were also enslaved. In 1306, two *muqtis* of Ala al Din Khilji defeated a Mongol contingent and enslaved 3,000 women and 18,000 soldiers.[34] According to Barani, in 1307, the Mongols captured in the Siwalik hills were sold as slaves.[35] But it is clear that the supply of foreign slaves (whose ownership must have been a sign of status) could hardly have met the demand for slaves. The majority of the slaves were procured locally, and this is of particular interest to us.

The circumstances that forced people into slavery have been categorized by Moreland into voluntary and involuntary forms of surrender.[36] Voluntary surrender, according to him, includes the sale of humans to meet the revenue demands, as well as the sale of persons during times of scarcity. Involuntary surrender encompasses in it the seizure and sale of individuals for non-payment of state demands as well as kidnappings. The distinction between the two cannot be maintained beyond a certain point, because both were the result of the increasing economic pressure on the peasantry by the state. The former has an element of choice in as much as a person could choose which or how many members of the family was to be surrendered into slavery; he could even make a business deal by selling his child to be disposed off as an eunuch, which could get him a higher price.[37] In the involuntary form, enslavement was at random and at the will of the state or its agents. This is the only distinguishing feature between the two forms.

That there was an abundant supply of slaves throughout this period is amply borne out by our sources. Slaves were considered an essential requirement, as is revealed by the fact that they were included in Ala al Din's market control regulations. The prices of slaves cited by Barani during the reign of Ala al Din, clearly indicates that there was no dearth of slaves in the market. An ordinary horse was more expensive than an ordinary male or female slave, and would cost as much as a good looking slave boy. A trained slave would cost as much as a milch buffalo.[38] The prices of slaves during this period, seem to have been lower in the South and even in parts of the country other than the capital. Prices seem to have declined further in the reign of Muhammad ibn Tughlaq.[39] In a later period, in Goa, a slave girl would cost between 20 to 30 *pardaos,* while a horse would cost as much as 500 *pardaos.*[40] Under Mughal

rule, there are instances of a similar easy availability of slaves too.[41]

How was the supply to the slave markets assured and maintained? How did voluntary or involuntary surrender actually work in practice? The prime concern of the rulers was to extract as much as they could from the countryside. This could either be done by plundering already accumulated wealth, or by extracting tribute from the already established revenue receivers. If these possibilities had already been exhausted, it was then considered legitimate to enslave people in areas from which wealth was not easily extractable. These enslaved people were then sold for money as there was already a flourishing slave market. Consequently, rulers or their *muqtis* were constantly engaged in enslaving people. Islam sanctioned the enslavement of conquered peoples: this was particularly useful for enslaving whole villages on the pretext of suppressing rebellion.[42] War also provided a natural opportunity for collecting slaves. In 1195, Qutb al Din Aybak captured 20,000 slaves during his raid on Gujarat, while the number of slaves captured in Kalinjar was supposed to have been approximately 50,000.[43] Raids on *mawasat* (areas from which it was difficult to extract revenue) were a regular feature of this period in the absence of a proper state machinery to collect revenue. Historical records state that Balban had ordered his *muqtis* of Awadh to enslave the families of the 'insurgents'. His raids into the Doab and the enslavement of the inhabitants forced down the prices of slaves.[44] Ala al Din's reign saw the continuation of this practice, and slaves were a part of the booty he captured in his southern expeditions. It seems certain that not all the 50,000 slaves that he possessed were bought in the open market. During the reign of Muhammad ibn Tughlaq, the governor of Alapur would constantly raid rebellious areas and enslave the inhabitants.[45] Similarly, Firuz Shah Tughlaq adopted raids as a means to enlarge his slave holdings. Though he instructed his provincial governor not to enslave the people of Gorakhpur because they were loyal,[46] he ordered his other *muqtis* to enslave people from the *mawasat*.[47]

This practice of enslaving peasants on one pretext or another continued under the Mughals, though Akbar had forbidden his soldiers to enslave people.[48] The Mughal emperors, during their animal hunts, were known to enslave those who lived in the forests. These forest-dwellers were rounded up along with animals and were exchanged by the Emperor for horses.[49]

This method of acquiring slaves was more characteristic of the

earlier period; this clearly indicates that the state had till then been unable to formulate a machinery to regularly extract its share from the countryside. Sporadic raids to seize this easily encashable 'booty' could not have been a permanent method of meeting the financial needs of the state and the ruling classes. With the introduction of a systematic method for the collection of the peasants' surplus, a different form of enslavement made its appearance. Earlier, the state had enslaved people through military raids, but now those people were enslaved who were unable to meet the financial demands that the state made, and which it was in a position to collect. Ala al Din ordered the enslavement of revenue defaulters.[50] The Mughals too, regularly sold revenue defaulters into slavery.[51] The inability to pay the financial demands of the state was equated with rebelliousness; enslavement was thus sought to be justified. In fact the revenue from the provinces was often remitted to the Emperor in the form of slaves.[52]

With increasing frequency, people were forced into slavery through the 'voluntary' surrender of individuals or their families. Often, peasants, unable to meet the economic demands of the state, were forced to sell their cattle and families. Barani writes that in the reign of Ala al Din Khilji, parents, driven by poverty, often sold their children into slavery.[53] Slavery, as a result of rural indebtedness, acquired a startling dimension. Earlier, rural indebtedness would have forced a peasant to enter into a contract with the local rich, whereby his status within the traditional set up was depressed further so that he lost some or all control over his own labour. In the light of various administrative and economic developments, this indebtedness was now translated into unabashed chattel status where individuals were removed from their place of origin and from the rest of their kin to be sold in slave markets.

Famines (the natural consequence of the regressive economic policy of the state), which occurred with great frequency in the seventeenth century, accelerated the process of peasant enslavement. Each outbreak of famine was accompanied by the flooding of slave markets.[54] In 1597, parents sold their young in Kashmir when there was a severe drought in the area.[55] Famines made slaves cheap and abundant in Pulicat in 1618.[56] European accounts of the seventeenth century are full of details of parents hawking their children for something to eat.[57]

On the basis of these observations, Ashraf concluded that

> the liberty of an alleged free man may sometimes have been conspicuously displayed in the doubtful privilege of being allowed to starve [while] the slave was provided with a secure and fairly comfortable livelihood.[58]

Those enslaved involuntarily because they had been captured on charges of 'rebellion', or those who had become slaves 'voluntarily' so that their families may survive starvation or the demands of the revenue collector, must have naturally ended up in the slave market to be bought and sold as domestic slaves. In relation to these domestic slaves, the legal concepts based on religious traditions have some relevance. A detailed study of the realities of the Islamic ideals and jurisprudence as it was introduced in India is required.

Understandably, apologists have made much of Islam's attempts to ameliorate the condition of slaves. Ameer Ali asserted that

> the term slavery is hardly applicable to the persons who hold the status in Islam; for slavery among the Moslems bears no analogy to that practised among other people.[59]

The existence and growth of slavery in Islam is explained in terms of 'passion and pride'[60] and the only consequence of this institution is seen in the moral sphere

> In spite, however, of their superior position compared to their status in other legal systems, their introduction in large numbers had an unwholesome effect on Arab society; it tended to lower the standards of ideals and to relax the bonds of immorality.[61]

Ameer Ali also claims that 'Islam recognizes no distinction' among individuals, when all that the Qur'an confirms is the spiritual equality of all human beings, not their material equality.

> Allah coineth a similitude (on the one hand) a (mere) chattel slave, who hath control of nothing, and (on the other hand) one whom we have bestowed a fair provision from Us, and

> he spendeth thereof secretly and openly. Are they equal? Praise be to Allah. But most of them are not. XIV : 75 (PickThall's translation).

Although Muhammad had stressed the importance of adopting a more humanitarian approach towards slaves, and had equated emancipating slaves with a meritorious act, in no way did Islam deal a 'blow at the institution of slavery' as claimed by Ameer Ali. The Prophet is quoted as having strongly advocated that one's slaves be treated as oneself, manumission being recommended by the Qur'an (II:184). A man who emancipated his Muslim slave was promised redemption from hell and a slave who served his master well was also promised heaven. Muhammad however, clearly recognized the ultimate claim of the owner over his slave and did not accept slaves into his community till he had the master's permission.[62]

Islamic jurisprudence differentiates between a Muslim and non-Muslim slave. A Muslim slave could only be born into slavery or be a convert, because captivity in war, a legitimate form of enslavement, was not applicable to Muslims. A slave, like any other form of chattel, could be gifted, sold, hired or inherited. If a slave was killed, the master received the compensation. A reward was recommended for the restoration of runaway slaves.

A man could take his female slave as a concubine but he could not make money out of prostituting her (XXIV:3). No one could claim sexual favours from female slaves except their masters or husbands. If the master did not desire sexual favours and if the slaves were virtuous, he was expected to find husbands for them. If a son was fathered by the master, the child was free, and a slave mother, upon her master's death, was automatically emancipated. A female slave needed her master's permission to marry, and if she committed adultery, her punishment was only half of that recommended for free women.

The emancipation of slaves was also possible in this system. A non-Muslim could not keep a Muslim slave. He either had to sell him to a Muslim, and if there were no buyers, had to emancipate the slave. Conversion to Islam did not guarantee emancipation. A slave was permitted to ransom himself by paying off the contract from his share of his earnings.[63]

There is no way of ascertaining precisely how Islamic legal

theory affected the position of slaves. Slaves could not become *qadis* (IV:38) and the enforcement of legal theory must naturally have been in favour of the slave-owners. One wonders what sort of evidence led Moreland to conclude that there was 'no evidence of bad treatment (of slaves) as a class' and that 'slaves were largely interchangeable with free man as servant'.[64] An incident related by Barani throws some light on the position of domestic slaves. Balban had Malik Baqbaq, the *muqti* of Badaun, flogged for beating his slave to death.[65] Nizami's interpretation of this incident was that Balban believed that there should be 'no discrimination in legal matters'.[66] This is a charitable though dubious interpretation, for most analysts agree that this was an opportunity which Balban used in his policy towards the nobility.[67] Two implications can be drawn from this incident—that the mistreatment of slaves was a fairly regular feature; and that Balban's action in enforcing 'justice' for the mistreatment of a slave, was exceptional enough to deserve comment. One must consider with caution Nizami's assertion that the legal provision enabling a slave to buy back his freedom from his own earnings, was in practice working as an effective legal avenue for emancipation. He says,

> This legal procedure provided a means for the gradual elimination of slavery subject to the condition that no new slaves were brought into the country. It is probably owing to this procedure that slavery has disappeared in most Muslim lands without any law for abolishing it or any compensation to the slave-owners.[68]

This sweeping generalization is based on a single incident. It is mentioned in a mystical work. A mystic saint, Nur Turk, is described in an account as living off a fraction of the small earnings of his slave, who worked as a cotton-carder. Shaykh Nizam al Din Chisti mentioned this incident in the *Fawa' id al Fu'ad,* to highlight the austere and ascetic life led by Nur Turk and not to emphasize the fact that the saint wanted his 'pound of flesh' before he would emancipate his slave.

The effectiveness of pious religious injunctions is best illustrated by the prevalence of the practice of the castration of slaves, something that was explicitly forbidden in Islam. Castration, the most repulsive form of slavery, was fairly widespread. Eunuchs played a

very important role in the elitist sections of society. They were commonly found in the neighbouring empire as well. Lewis holds that the 'corps of eunuchs' was the only way in which a black could rise at the Ottoman court. The chief of the eunuchs was called the *Kizlar Agasi* (the *Aga* of the girls).[69]

Eunuchs were essential for the maintenance of the *haram* system—the bulwark on which the relationship between the sexes rested. In a society where male honour was primarily defined in terms of a man's exclusive rights and control over his women, eunuchs were considered to be indispensable. The Muslim elite was bound by religious law to have only four wives, but they could possess innumerable slave concubines. A nobleman, during the reign of the Tughlaq dynasty, owned 2,000 concubines, which no doubt, represented an extreme example of this.

The existence of fairly large *harams*, which included wives, concubines (who were slaves), and female slaves who served the former two groups, is attested to by contemporary sources. These large female households had to be guarded against male contact, which could possibly threaten their master's exclusive rights. Not only were these households protected but the women living there were also controlled. No man could be trusted with this job, and eunuchs were the ideal solution: they could do a man's work without posing a threat to the sexual dominance of their masters.

Eunuchs were a prized commodity and occupied a privileged position. Imad al Din Rayhan, a eunuch, had risen to the ranks of the foremost nobles in the reign of Nasir al Din Mahmud (AD 1246-66). Some eunuchs possessed great wealth, which they spent in building magnificent tombs for themselves because they had no heirs to whom they could leave their fortunes.[70] But the majority of these unfortunate creatures were condemned to serving the male ego of their masters. Bengal was the main source for eunuchs. There might have been eunuchs among the slaves that Firuz Shah Tughlaq demanded as tribute from the provinces, because the practice of sending eunuchs as tribute to the Emperor was attested to by Jahangir.[71]

Trade in eunuchs was very specialized. Abu'l Fazl mentions three categories of eunuchs, whom he refers to as *sandali, badami* and *kafuri.*[72] Merchants either kidnapped boys or bought them easily at distress sales. Even then, the number of eunuchs actually sold could not have been very large; and the actual number of

children involved must have been substantially larger. The mortality rate was certain to have been high after this gruesome surgery.[73] Jahangir boasts in his memoirs that he forbade this practice and ordered severe punishment for those involved.[74] But this was, in all likelihood, an empty boast, because he later casually mentions having received eunuchs, along with fighting cocks, bullocks, buffaloes and elephants.[75] Eunuchs continued to be a part of the Mughal court during the reign of Aurangzeb, who had entrusted the responsibility of the imprisoned Shah Jahan to a eunuch. This form of slavery could only fade away with the passing of the *haram* system among the elite.

Slave labour was used in economic production, though only to a very limited extent and for a short period of time. Habib has pointed out that slaves must have been trained in skills not available among the craftsmen in India at the time of the Turkish conquest. The Turkish ruling classes would have found it easier to train those slaves whom they had imported along with them in crafts catering to their needs. Firuz Shah Tughlaq's 12,000 slaves were employed in the royal workshops *(karkhanas),* and this probably occurred in the reign of the earlier Sultans as well. Over a period of time, free labour, skilled in these crafts, must have made the use of slave labour uneconomical. This possibility is strengthened by the fact that skilled craftsmen often ended up as slaves because that was often the only way their skills could be exploited. Mahmud Ghazni carried away with him skilled craftsmen as slaves, and these were put to work in his capital. In an eleventh century Arabic work, a handbook of sorts on slaves *(Shira al Raqiq),* the author, Ibn Butlan, lists the attributes of the slaves of various nationalities, and refers to the Indian male slave as exceptionally good at delicate handicrafts.[76]

The Il-khans of Persia turned craftsmen into slaves to work in the royal *karkhanas* as saddlers, armourers and tanners, but soon freed them on their payment of a fixed tax.[77] It seems likely that in India slave craftsmen were freed once the commodities needed by the wealthy ruling class was produced by free labour. It would not be far fetched to say that Firuz Shah Tughlaq used a section of his huge slave holdings to work on his plantations, from which the state earned 80,000 *tankas* annually.[78]

It needs to be stressed that even though bonded labour was widely prevalent during the medieval period in India, it is difficult to be accurate about the extent of its role in production. The primitive

forms of caste-based bondage survived during this period though large scale proletarization of the rural population was characteristic of British India. This period, however, saw a tremendous growth in the incidence of domestic slavery. Domestic slavery, though not unknown to ancient India, was in many ways a unique feature of the medieval period.

Notes and References

1. Syed Ameer Ali, *The Spirit of Islam,* London, 1965, p. 264.
2. K.A. Nizami and M. Habib (eds.), *A Comprehensive History of India,* Vol. V, New Delhi, 1970, pp. 194-197. Nizami does not explain what relevance these legal avenues for emancipation had to those slaves who wielded military power. Typical of this confusion (in this case compounded) in a more recent textbook on medieval Indian history: 'Muhammad Ghori', it is alleged 'had a passion for acquiring Turkish slaves whom he treated with affection and care. He provided opportunities to them to develop their personalities and build their careers. It shows his natural love and sympathies for the persons of his own race who had suffered immensely at the hands of the Muslim invaders of the Arabic and Persian stocks as well as the "infidel" Mongols. By purchasing Turkish youth, Muhammad Ghori, in fact, liberated them (under) royal patronage; in return, he received immense affection and unqualified service from them...' (J.L. Mehta, *Advanced History of Medieval India,* Vol. I, New Delhi, 1979, p.87). Thus, the coming to power of the slave dynasty is explained through the benevolence of one individual, which was best expressed through the buying of slaves.
3. Stanley Lanepoole, *Medieval India under Mohammedan Rule,* London, 1903 p. 64.
4. Tapan Raychaudhuri and Irfan Habib (eds.), *The Cambridge Economic History of India,* Vol. I, Cambridge, 1982, pp. 91-92.
5. Diya al Din Barani, *Ta'rikh-i-Firuz Shah,* ed. by Saiyid Ahmad Khan, Calcutta, 1962, pp. 251-252.
6. *Ibid.,* p. 314.
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10. G.E. Von Grunebaum, *Classical Islam: A History 600-1258,* London, 1970, p. 193.
11. Barani, *Ta'rikh-i-Firuz Shah,* p. 287.
12. W.H. Moreland, *The Agrarian System of Mūslim India: A Historical Essay with Appendices,* Delhi, 1968, p. 160.
13. Irfan Habib, *The Agrarian System of Mughal India,* New Delhi, 1963, pp. 121-122.
14. *Ibid.,* p. 150.
15. So alienated had the Caliph become from the Arab upper classes, that no Caliph, for instance, after 800 AD was born of a free mother. (G.E. Von Grunebaum, *Classical Islam,* p. 80.)

16. For a good summary of these developments, see P.M. Holt, A.K.S. Lambton and Bernard Lewis, *The Cambridge History of Islam,* Vols. I and II, Cambridge, 1972.
17. M.G.S. Hodgson, *The Venture of Islam,* Vol. II, Chicago, 1974, pp. 397-400.
18. Nizam al Mulk, *Siyasat Namah,* translated by Hubert Darke, London, 1960, pp. 106-107.
19. Nizami, *Comprehensive History,* p. 196. He most probably means that the property of the dead slave was inherited by the master.
20. Translation by Bernard Lewis (ed.), *Islam: From the Prophet Muhammad to the Capture of Constantinople,* Vol. I, London, 1974, pp. 97-99.
21. *Ibid.,* Vol. II, p. 167.
22. Minhaj al Siraj Juzjani, *Tabaqat i Nasiri,* translated by H.G. Ravaty, Vol. II, New Delhi, 1970, pp. 766, 796.
23. *Ibid.,* Vol. I, p. 742.
24. Shams i Siraj Afif, *Ta'rikh i Firuz Shah,* ed. by Maulvi Vilayat Hussain, Calcutta, 1891, p. 272.
25. See 'Ghulam', *Encyclopaedia of Islam,* 2nd edn.
26. Afif, *Ta'rikh,* pp. 271-272.
27. S.P.B. Nigam, *Nobility under the Sultans of Delhi,* Delhi, 1968, p. 121.
28. See the last chapter; also Lallanji Gopal, *Economic Life of Northern India 700-1200,* Delhi, 1963, pp. 71-80.
29. Hodgson, *Op. cit.,* p. 352.
30. Ibn Buttutah, *Rihla,* translated by Agha Mahdi Hussain, Baroda, 1953, pp. 67-68.
31. Afif, *Ta'rikh,* pp. 399-400.
32. W.H. Moreland, *From Akbar to Aurangzeb: A Study in Indian Economic History,* London, 1923, pp. 45, 63, 76-77, 78, 79.
33. W.H. Moreland, *India at the Death of Akbar, An Economic Study,* London, 1920, p.91.
34. Isami, *Futuh us Salatin,* ed. by M. Usha, Madras, 1948.
35. Barani, *Ta'rikh,* p. 322.
36. Moreland, *India,* p. 92.
37. An example is the case of Itibar, an influential eunuch of Aurangzeb's time who held his parents responsible for his unfortunate fate. (Niccolao Manucci, *Storia do Mogor,* translated by W. Irvine, Vol. II, London, 1907-08, pp. 78-79.)
38. Barani, *Ta'rikh,* pp. 312-314.
39. Habib, *The Cambridge Economic History of India,* Vol. I, p. 91.
40. Moreland, *India,* p. 176.
41. Irfan Habib, *The Agrarian System,* pp. 323-324n.
42. Even an analyst like K.M. Ashraf feels that '... the position of the slave was very different. He was usually a prisoner of war ... so when a conqueror (now master of the slave) chose to spare the life of a slave and employ him for menial work, it was an act of favour and of special benevolence on the part of the former'. *Life and Conditions of the People of Hindustan,* New Delhi, 1970, p. 105.
43. Juzjani, *Tabaqat,* Vol. I, p. 516.
44. Barani, *Ta'rikh,* pp. 57-59.
45. Ibn Battutah, *Rihla,* pp. 162-163.
46. Afif, *Ta'rikh,* p. 267.
47. *Ibid.,* p. 588.

48. Moreland, *India,* p. 92.
49. *Ibid.*, pp. 27-28.
50. Barani, *Ta'rikh,* p. 382.
51. Habib, *The Agrarian System,* pp. 322, 323n.
52. Afif, *Ta'rikh,* pp. 271-272.
53. Barani, *Ta'rikh,* p. 340.
54. Habib, *The Agrarian System,* pp. 110, n.
55. *Ibid.*, p. 102.
56. Moreland, *Akbar,* p. 78.
57. *Ibid.*, see pp. 207, 208, 212, 213, 303, 305.
58. K.M. Ashraf, *Op. cit.*, p. 106.
59. Syed Ameer Ali, *History of the Saracens,* New Delhi, 1981.
60. Syed Ameer Ali, *The Spirit of Islam,* London, 1965, pp. 258-267.
61. Ali, *Saracens.*
62. Ibn Maja, quoted in Lewis, *Islam,* Vol. II, p. 198.
63. See Schacht, *Islamic Law,* pp. 127-130.
64. Moreland, *India,* p. 93.
65. Barani, *Ta'rikh,* p. 40.
66. K.A. Nizami, *Some Aspects of Religion and Politics in the Thirteenth Century,* New Delhi, 1974, p. 85 n.
67. See Nigam, *Nobility under the Sultans of Delhi,* p. 43.
68. Here one again encounters a confusion between facts and legal myths. Nizami obviously believes that all slaves were captured in war—hence this assertion about no new slaves being introduced into the country. The possibility that most slaves were created within the country itself does not occur to him. (Nizami, *Comprehensive History,* p. 196).
69. Bernard Lewis, *Race and Colour in Islam,* New York, 1971, p. 84.
70. W. Cooke, *Travels in India by Jean Baptiste Travenier,* Vol. I, London, 1925, p. 89.
71. Jahangir, *Tuzuk i Jahangiri,* translated by Alexander Rogers, ed. by Henry Beveridge, Vol. I, New Delhi, 1968, p. 150.
72. Abu'l Fazl, *Ain i Akbari,* ed. by H. Blochman, Vol. I, Calcutta, 1869-1877 , pp. 389-390.
73. It has been estimated that the mortality ratio for Sudanese eunuchs exported to the Middle East was 35,000 to 9,800. See Qairn Hambly, 'A Note on the Trade of Eunuchs in Mughal Bengal', *Journal of the American Oriental Society,* 94.1, 1974, pp. 125-130.
74. *Tuzuk,* Vol. I, pp. 150-151, 168.
75. *Ibid.*, Vol. I, p. 247; Vol. II, p. 195.
76. Lewis, *Islam,* Vol. II, p. 247.
77. I.P. Petrushevksky, 'The Socio-Economic Conditions of Iran under the Il-Khans' in J. Boyle (ed.), *Cambridge History of Iran,* Vol. V, Cambridge, 1968, pp. 512-513.
78. Afif, *Ta'rikh,* see pp. 99-100, 233, 292, 294-295, 493.

3

BONDAGE IN THE COLONIAL CONTEXT

Tanika Sarkar

A distinct slave mode of production apparently never characterize any phase of Indian history, in sharp contrast to the course of western civilization. It is fairly well established, however, that a significant use of forced labour has marked the entire spectrum of production in India at all historical periods, though its forms, incidence and importance varied over time and space. In this essay, two extreme forms of forced labour in British India—slavery and debt bondage—have been discussed, in order to arrive at some preliminary and tentative conclusions about their meaning and general shape. Based for the most part on secondary and a few primary sources, this article is not a definitive survey about the proportion of such workers to the total labour force, their conditions of work or their precise location in the production process. Even general observations are beset by crucial problems of definition and of sources.

Though slavery and bondage comprised the extreme pole of unfree labour, it is almost impossible to delineate unfree labour categorically. In colonial India, labour in general was hardly ever entirely free and extra-economic compulsions in varying proportions dictated the existence of all forms of labour, ranging from the formal slave to the wage worker in the modern factory.[1] Slavery and bondage therefore, constituted one category of forced labour which included several sub-categories within itself, and on which various

other forms of free and unfree labour continuously impinged. Theoretically speaking, if slavery and bondage were two distinct and separate forms, in practice it would be extremely difficult to distinguish one from the other with absolute certainty, for during most of our period, the two constantly overlapped and merged into each other.[2] Even when slavery was formally abolished, various devices came into use which made debt bondage, in reality, its disguised continuation.

For a reconstruction of the conditions of the time, one has to rely almost entirely on British administrative reports; accidents of administrative necessity therefore dictate somewhat arbitrarily the state of our knowledge. While this information is often substantial and interesting, it is on the whole rather patchy, and also extremely selective, as far as the different regions are concerned. For South India, where the British presence spanned over a long and continuous period, the sources are extremely rich. But there is complete silence about the Punjab, which was annexed after the Abolition of Slavery Act was passed in 1847, even though we are told that forced labour used to be widely prevalent there.[3] In fact, few specific details are given for bondage anywhere outside certain parts of West, South and East India. This uneven nature persists in time as well as in space; after the Abolition Act of 1843 (which denied the legal rights of slave-owners in law courts), and especially after the Act of 1861 (which made it a criminal offence to possess slaves), there was a sharp decline in official interest, except for a few follow-up reports on the conditions of ex-slaves, especially in South India. It is very difficult then to identify any changes in their conditions, flowing from changes in the general economic context such as the growing commercialization of agriculture after the 1860's.[4] A well connected, continuous history covering all the parts of the country cannot be attempted without undertaking intensive regional research.

There was little uniformity in the patterns of slave-holding, in the conditions and functions of slaves, and the motives and nature of slave-owners in different regions. Though all forms were characterized by the master's absolute, unconditional control over the person, labour and children of the slave, one does not necessarily find a regular slave market in all cases. It is possible to make a rough three fold classification within formal slavery, on the basis of the nature of the master, the purpose of slave owning and the mode of purchase.

The first form of slavery in this classification was essentially an urban phenomenon, and was a feature of Indian royal and aristocratic households and of the new metropolitan white elite—commercial, administrative and even clerical[5]—in the port cities of Bombay, Madras and Calcutta. The striking characteristic of this form of slavery was that the person was a chattel as well as a commodity for regular purchase and sale in the open market, round whose person a flourishing export and import business could thrive. The pre-British trade network, run mainly by Arab vessels, was retained to feed the old demand channels, while an extra fillip was gained by the extensive operations of European traders in this field. In 1662, an incorporated company for slave trading was established in England by the Duke of York, dealing mainly in Indian, Burmese and African slaves. There was keen competition between the English and the Dutch in this sphere.[6] In 1641, the English boat *Michael* set sail with a cargo of 14 slave boys from Malabar. Slaves from Cochin and Mahe were regularly brought to the Indian ports on the west coast,[7] and to the Far Eastern settlements connected with European trade.[8] Madras was a particularly convenient port with its low customs duties; and a group of Dutch traders at nearby Pulicat specialized in this field. Organized bands of robbers and groups of *moplahs* used to kidnap children on a large scale and carry them to Madras.[9] Occasional half-hearted efforts by the British at Madras to forbid slavery culminated in a ban on slave trade in 1688. But since both demand and supply factors retained their pull, the ban remained largely on paper. Each bout of famine or food shortage led to an exodus of would-be slaves to Madras, to distress sales of young relatives or to voluntary self sale by adults, proving almost impossible to check completely.[10] A similar pattern in slave traffic was observed in Calcutta and Bombay, where a stable supply was ensured by bands of well-organized kidnappers, and by distress sales and voluntary bondage during times of famine or scarcity. As far as the import trade was concerned, Arab vessels regularly carried cargo into the ports of Bombay and Calcutta, the Portuguese settlements of Goa, Daman and Diu and the Indian states of Kutch, Kathiawar, Porbandar and Sind. Arab settlements at Mozambique, Malacca and Muscat were the main catchment areas, and African boys and girls (or *coffrees* as they were known in India) were in great demand in the Indian states as well as among European circles.[11]

This category of slaves served no productive purpose but was in essence a continuation of early medieval court slavery (minus its political role), and constituted a badge of social honour for the masters. The main function of this category seemed to be entertainment in a broad sense and sometimes highly specialized skills were called for. The Calcutta based *Hickey's Journal* of the 1780s illustrates this point through its advertisements—'Wanted two Coffrees who can play well on the French horn' or 'To be sold—A Coffree boy that understands the business of a butter, kidmutgar and cooking'. More often a taste for exotic prostitutes had to be catered to. The *Journal,* for example, published an advertisement with extremely vivid requirements which a secondary source found too explicit to reproduce entirely. The expurgated version reads:

> Wanted by a gentleman two very handsome African ladies of the true sable hue ... must be well-grown girls ... the better if a little squeamish ... no ladies will apply but those are really and truly spinsters.

There were regular auction blocks in Calcutta, patronized by the European clergy and slaves, were carefully bred for profitable sales.[12]

Contemporary observers have commented extensively on the regular use of highly sadistic methods of punishment, particularly for slave girls—flogging, whipping, pouring cold water at dawn during winter, and locking them in cages.[13] It was perhaps a way of impressing upon the new recruits the unconditional authority of the master. Regular and excessive use of torture was seldom applied to the more stable population of praedial slaves who had acquired their own place, not only as individual slaves under individual masters, but also as a part of the broader local social structure, and could be ruled more effectively through its ideology.

Slave-master relations in this category were not governed by any customary reciprocal ties and no attachment of the slave—to either family life or a piece of land—was allowed to develop. The slaves existed in a social void. It was also fairly impossible for such a discrete and heterogeneous group, residing in the master's house under his close supervision and control, to find a 'living space' and evolve an autonomous cultural life, thereby asserting their human identity over and above the status of a chattel.[14]

Slightly lower down the social scale among the slave-owners,

we find again a continuation of a traditional form of slavery in free abolition laws. These were slaves attached to large, prosperous Hindu and Muslim households in the cities, towns and villages. Existing evidence on towns in Western Uttar Pradesh and South Maharashtra, as well as the towns and villages of East Bengal and Bihar, reveals that possession of such slaves was an essential part of social respectability.[15] Even though the master's control remained absolute, and theoretically at least slaves could be freely bought and sold, there was less of an open market and a complete absence of any export or import trade in this sphere. Slaves were drawn from purely indigenous local sources through kidnapping, distress sales, voluntary bondage and marriage or cohabitation with another slave. Slaves came from lower castes but also from relatively high castes, the latter restricted to domestic labour of a more privileged order (cooking, nursing children etc.), while the former were employed in menial outdoor work. Prices varied according to caste—a young *kayet* woman fetched a price of Rs 40 to Rs 100 whereas a young *chandal* woman could be bought for anything between Rs 20 to Rs 10. A high caste slave did not lose his caste through enslavement and would continue to observe all the stipulated rituals.[16]

Labour consisted largely of domestic chores as well as some outdoor work for men—tending cattle, carrying wood and minor functions in cultivating the land. Such slaves usually formed an integral part of the large household system in their own self image as well as in their master's estimation, and the association could continue for generations without much transfer. Contemporary slave-owners in their accounts talk of such slaves with the affection accorded to highly privileged domestic servants. A Tangail slave-owner in East Bengal in the 1850s for instance, refers to a woman slave as her second mother, whose children were married off amidst much celebration at the family's expense.[17] Flogging was rare and master-slave relations could often accommodate a warm personal note. Marriages between slaves were arranged and the expenses were borne by the master, who also looked after the children who constituted the next generation of domestic labour. After the abolition of slavery, in all probability, many slaves stayed on with the same families in the capacity of retainers and servants.

The surface mildness, however, does not imply a total lack of coercion—flogging, sale, mortgage and renting were permitted and

the slave's helplessness remained total. Manumission was so rare that slaves did not even hope for it.[18] Sexual exploitation also continued and a curious method was developed to protect the master against the social stigma arising from such association. In large parts of Eastern and Northeastern Bengal a peculiar custom of slave marriage known as the *punwah-shadee* was prevalent, a system whereby women slaves were married to professional slave grooms called *byakaras.* These grooms would marry a whole host of slave women belonging to different masters, spending one night with each after the wedding and collecting fees in the form of food and cash from the masters.

The next time the 'husband' visited a wife would be at the time of her confinement. They were offered the possession of every alternate child of each wife (the rest would remain the master's property together with the wife) but they rarely accepted it.[19] The custom seems to be an interesting echo of *kulinism* at the opposite pole of the social apex. It also provided a way of imputing the paternity of the slave children to a recognized slave father, and saved the master from any blame or responsibility.

The third form of slavery was agrestic or praedial, played a significant role in the production process, and remained widespread as a structural feature of rural society. These slaves constituted captive agricultural labour for upper and even substantial peasant castes,[20] and were employed at less than market rates on pure subsistence wages which were usually paid in kind.[21] Their identity was closely bound up with the land, and they were seen as an integral part of the master's landed property. A British officer, intimately associated with the slave owning regions in South and West India, described agrestic slaves as 'being held precisely under the same tenures and terms as the land itself'.[22]

Such slavery seemed to be very largely a hindu institution and a function of the local caste structure, wherever it existed.[23] The system was rooted in Indian tradition, but it seemed to be a product of the absolute control of peasant and upper castes over the untouchables. Regardless of their inner contradictions, the upper and peasant castes united to forge a closed door policy vis-a-vis landless untouchables in matters of land occupation. Even the *shudra* castes seemed to be slave-owners rather than slaves, whereas among the untouchables whole sub-castes were collectively designated as slaves. In fact the name of such a caste and the local term for slaves

could be interchangeably used in certain cases.[24] Kerala origin myths, explaining the beginning of praedial slavery, confirm this impression. According to these myths, Parasuram wanted to expiate his sin of exterminating the *kshatriyas* by doing a good deed to the *brahmans*. He threw his axe into the sea, which parted to reveal a tract of land. When he donated this land to the *brahmans* they complained that this was a useless gift since they could not till it themselves. Parasuram then went into the forests, and took the jungle inhabitants captive so that they and their descendants could till the *brahmans'* lands forever.[25] The myth reveals the aboriginal origins of slaves as well as the connection between slavery and agricultural production.

The institution was based on the interrelatedness between ritual compulsions and the pattern of cultivation. The intense seasonal character of agriculture meant an urgent need for a big labour reserve during the peak seasons. A captive labour supply at subsistence rates seemed the best guarantee for this, without raising wages in general. The other aspect of the system was that the upper castes were ritually debarred from cultivation, and the rising peasant castes would tend to emulate them if a cheap labour force was available. The untouchables, on the other hand, had been traditionally dispossessed of all social and economic rights which ensured their total helplessness, and which kept them enslaved through the combined operation of ritual and economic domination. In the hindu moral economy the two aspects constantly fed on each other. This is evident from the fact that praedial slavery among untouchables remained a peculiarly hindu institution. Even in Malabar, the extremely poor Muslim *moplah* agricultural labourers remained free, whereas untouchables were held in bondage even during the land surplus situation that persisted up to the late colonial period.

In the Southeastern Tamil country and in Malabar and Canara, patterns of landholding and crops largely determined the prevalence of slavery. Slaves seemed to be most densely located in areas of wet rice cultivation.[26] They were also most numerous, and the system most firmly entrenched in areas where the British continued the *mirasi* system of tenure. *Mirasidars* were privileged tenure-holders, jointly or singly holding an entire village with absolute control over the disposal of arable waste. They tended to act as a closed elite to prevent the slave castes from holding any lands, and thus perpetuated their helplessness and bondage even after the formal

abolition of slavery. Tanjore and Chingleput districts in the Southeastern Tamil tract are ample evidence of this—here the *mirasi* system was reinforced by the British and slavery and bondage continued to flourish.[27] Even where the old *mirasidars* were joined by new *pattadars* or tenure-holders of lesser castes and status, they tended to act in conjunction in this respect, both sets being similarly motivated by ritual attitudes towards untouchables and the economic need of freezing an agricultural proletariat in bondage. Referring to the ritual aspect, a British administrator compared it to the racial prejudice of the slave-owners of the antebellum South in the United States.[28] Interestingly, the original *mirasidars* were a *shudra* group (the *tuluva vellalans*) though later their caste monopoly was breached by the entry of the new *brahman mirasidars.* In northern Telugu. speaking areas and in the southeastern and western parts of the South such rigid polarities were blurred in places which were under Muslim domination. Haider Ali used to make a practice of settling ex-slave *paraiyans* with landholding rights.[29]

Praedial slaves were the absolute property of their masters who theoretically held the right of buying, selling, mortgaging or renting them out at will. But such control in practice was often mitigated through certain customary privileges and there was no slave trade. It constituted a labour force that regularly reproduced itself without any major recruitments from outside the slave castes. In certain regions slavery was imposed on criminals as commutation of the death sentence and on free persons marrying slaves. But on the whole it remained a caste function. In the South slavery was both demiurgic—where the village as a corporate body held the slave community together under it,[30] and individual—where the slave was the property of an individual master. The former was a general characteristic of the Southeastern Tamil country while the latter was more widespread in Canara and Malabar; but the systems overlapped and instances of both may be found in either case. In the Tamil country in *mirasidari* areas, slaves worked for all *mirasidars* in rotation according to the share each *mirasidar* held in the village tenure and they were paid out of the total village produce. On the whole, slaves owned as joint village property had a larger share of customary rights and expectations and also a broader range of duties, which apart from cultivation, included menial chores in the village administration. They were usually not sold or mortgaged to anyone living beyond a certain distance and could not be transferred except along with the land to which they were attached. Apart from their wages, they

were occasionally given a small plot of land (with seeds and implements) to cultivate on their own, but in such cases they had to pay a larger share of the produce to the *mirasidars* than the ordinary tenant did. In Canara and Malabar on the other hand, there was no bar to selling, mortgaging or renting them out even without the land on which they were settled.[31] Agrestic slavery in Eastern Bengal, Bihar and Orissa meant individual rather than corporate ownership.[32]

Under conditions of individual ownership three kinds of transfer were usual—absolute sale, mortgage (where the original proprietor got a loan and a quantity of rice to indicate his continuing right over the slave which would be resumed once the loan was repaid), and renting out (the slave was hired out for an annual sum and the hirer paid for his maintenance, usually a minimal amount as he was not interested in the slave's permanent welfare). Prices almost always varied with the ritual position of the slave's caste and bore no relation to the work he did. Husbands and wives were generally sold together but other kinds of family ties were not necessarily honoured. There was endless variation in the conditions of ownership and slave labour, but on the whole, slaves were expected to work for their own masters exclusively. Occasionally, if the master was unable to provide subsistence, the slave was permitted to find work elsewhere, but was obliged to return again when the master's position improved. At Mausalipatam a group of slaves worked from five to seven months a year under their masters but were allowed alternative employment for the rest of the time. Such cases were more of an exception. Most masters did not pay their slaves during the off season and debarred them from accepting any alternative job; the slaves, as a result, were forced to live by food-gathering and petty pilfering. Cash remuneration was extremely rare except on ceremonial occasions, but masters paid the expenses incurred for their weddings and funerals. Apart from subsistence wages in kind and occasional grants of land for cultivation, slaves were generally provided rent-free accommodation set at a distance from the master's house.[33] In deference to the ritual need of avoiding all contact with the untouchables, their homes were often outside the actual village. The fact that the *cheris* or untouchable hamlets were excluded from the *ur* or the main village was revealed by a survey made as late as 1970.[34] Disposal of slave children, if their parents belonged to different masters, was generally decided by village custom, as was the ownership of the slave husband or the slave wife if their masters

were not the same.[35] There seems to have been no general rules about manumission, which was very rare in any case. In the princely state of Travancore, ownership of slaves was assumed by the government if the entire family of the owner became extinct.[36]

Due to caste barriers there was little social communication between the slave and his owner, and unlike domestic slavery, the possibility of personal ties was nearly non-existent. Stringent rites were observed to insulate the master from the polluting contact of the slave and any violation involved a long ritual process of cleansing. In parts of South India *brahman* masters did not even own untouchable slaves directly, but possessed them through the agency of their *shudra* dependents. Among the slaves themselves, careful distinctions—which were not overcome through their common bondage—were maintained within the hierarchy of the sub-castes, and there were various degrees of pollution. In Canarese villages for instance, the slave caste of *dhers* was subdivided into *moondaul, mogaer* and *maurey dhers* in a descending order in the hierarchy. The first two abstained from eating cows and oxen whereas *maureys* would eat carrion. The degree of servitude differed according to ritual status—*moondaul* slaves could not be sold whereas *mogaers* could be freely bought and sold.[37]

Even though masters and slaves did not present a picture of a single household structure, slaves were expected to perform certain ritual duties in specified ceremonial functions. In Canara district, the slave-master relationship commenced with a brief ceremony, where the slave drank some water from a brass basin in front of the master and called out 'I am now your slave forever'. At the master's funeral he was traditionally given the winding cloth covering the corpse.[38] But all human contact was restricted to such prescribed rites and did not spill over into ordinary social intercourse. Only in parts of Orissa were relatively high castes engaged as agrestic slaves;[39] almost everywhere else the slave-master polarity was reinforced by the polarity between pure and impure castes.

Two apparently contradictory impressions about the general condition and treatment of agrestic slaves emerge from sources, though the specific details depended necessarily on individual masters. A large number of early British administrators compared this form of slavery quite favourably with its western counterpart. The masters behaved in a mild manner, keeping the efficiency of their labour power in mind. There was not much more flogging or

cruelty as compared to that against wage labourers in general; subsistence and homestead for the entire family were assured even in times of scarcity, and unlike other untouchable poor sections, no beggars were found among the slaves. In other words there was little noticeable difference between the slaves and non-slaves; in fact, a higher measure of security characterized slave existence.[40] Hjejle, however, argues that this was for the most part an over-optimistic picture as the administrators did not seek immediate abolition of slavery, fearing its repercussions on the revenue paying capacity of the slave owning groups.[41] Another group of contemporary observers have commented on the ubiquitous and extreme poverty among slaves, their ignorance and superstition, their ill-fed, skeletal appearance, and their deep insecurity since few masters would provide for them in old age and sickness, and their total helplessness due to lack of alternative employment when they had, in off seasons, to steal or hunt for food. We find vivid descriptions of their 'degraded, diminutive, squalid appearance, their dropsical pot bellies contrasting horribly with their skeleton arms and legs, half-starved, hardly-clothed...'[42] Some observers hold the view that the slave caste of *cherumar* was so named because the caste was diminutive in size (*cheru* in Tamil) due to lack of adequate nutrition.[43] Even though flogging was rarely practised, the forms of punishment included extreme torture such as quartering, putting into stock, and cutting off the nose.[44] The important point was not the frequency of application, but the threat of such violence and the slave's absolute powerlessness against it. Similarly, even though the slave was permitted to have a family life, the unquestionable authority of the master to sell or mortgage him made family life extremely precarious and uncertain. The sense of insecurity and helplessness was heightened by his restricted mobility and the virtual absence of manumission rights.

The question of the slave's rights or security did not arise in any real sense. As mentioned elsewhere, there was not much difference between slaves and non-slaves as far as the entire spectrum of the landless poor was concerned. Due to lack of reasonable employment, social subjection and the near impossibility of acquiring land for untouchable and impure castes, freedom for the non-slave agricultural worker was but notional. In this situation of generalized poverty and helplessness, the additional stigma carried by slave status was largely counter-balanced by the assurance of

minimum subsistence. This explains how, without the continuous use of direct coercion, or of the fresh import of slaves into their ranks, without cultural or spiritual domination and paternalism characterizing the Negro slaves of the antebellum South,[45] the agrestic slave force in India could regularly reproduce itself.

These three strands of formal slavery were legally abolished by the mid-nineteenth century. But forced labour and even slave labour continued to operate. A particularly blatant form was debt bondage which exists to this day with slight modifications despite its legal abolition in 1976. It is extraordinarily difficult to separate agrestic slavery from debt bondage and to pinpoint exactly where slavery ends and bondage begins. The commonly accepted view that slavery was hereditary servitude while bondage was lifelong is not really applicable to India, since bondage here was usually perceived by both masters and labourers as a heritable status. Like agrestic slavery, it was related to both agricultural labour and to impure castes and untouchables. To complicate matters further, it coexisted and often overlapped with formal slavery before its abolition, following which, slavery in large part, through various devices, was metamorphosed into debt bondage.

Bondage commenced through self sale by adults, or the sale of young family members by guardians in exchange for a cash loan or promise of subsistence (which amounted to a notional debt) through written agreements, even though here too custom proved to be the operative factor. Servitude was supposed to last till the original debt was repaid, and till then the daily expenditure of the total labour power of the debtor constituted the interest on the loan. It was usually stipulated that if the loan remained unpaid in the debtor's lifetime, successive generations would be pledged to bondage until full payment was made. The debtor under bondage, however, had little scope for cash accumulation since his entire labour was pledged to the creditor in exchange for subsistence alone. Hence the prospect of repayment and release remained notional and the hereditary aspect was more or less assumed right from the beginning. Operationally, the bonded labourer resembled the slave to a remarkable extent.

In most contemporary descriptions of agrestic slavery there are also references to a special category of 'debt slaves' or 'debt bondage', and both categories are used interchangeably. In 1819 the Collector of Coimbatore reported on 'a species of bondage due

to the master's bearing of marriage expenses' where the debtor pledged to serve him exclusively for life. Around the same time the Tanjore Collector noted that slavery among the *puller* and *pariah* castes emerged out of 'a voluntary contract between the parties' which devolved upon the descendants as well. The Collector of Malabar quoted a written bond on debt slavery where a woman, Mullee, promised that

> Having sold my two sons ... for the sum of rupees two Pagodas, one Rupee and nine Fanams which said sum I acknowledge to have received from you. The said two sons are bound as slaves to you from generation to generation. In case my two sons may hereafter abscond I shall always be ready to appear before you in their stead (dated year of Sanlivahan 1727 and witnessed by two local villagers and the Police daffadar).[46]

In the late eighteenth and early nineteenth century, in parts of Bengal, Bihar and Orissa there were several grades of 'conditional slavery' along with full-fledged slaves. In certain districts of East Bengal a *shudra* or *ghulam* category existed, with its roots in the debt bondage of the entire group of a relatively high strain of *shudras* to *kayasthas.* A 1794 sale deed indicated that such debts were taken to cover the wedding expenses and claimed that bondage was hereditary. But the group retained its caste status and occasionally members were even allowed to enter into the *kayastha* rank through marriage.[47] When a free person married a slave wife, he would remain her master's slave as long as the marriage lasted. If he left his wife, however, he could resume his free status. A free woman on the other hand, had to remain a slave for life if she married a slave—a factor indicating that the pollution threat was stronger for the woman than it was for the man.[48]

In the Southwestern Bengal districts of Midnapur and Hooghly debt slavery was for a stipulated period. Classical debt bondage also existed in full force in Orissa where impure castes such as *mehtars, dhobis, hajams, doms, bagdis* and *chamars* were enslaved for debt until the loan was repaid. While enslaved they could be resold, mortgaged or rented out. A characteristic feature of these *purjahs* was that 'they would retain throughout their servitude their hereditary professions' probably because their menial functions were not

performed by anyone else. In South Bihar, tribals or untouchables such as *bhumiars, ghatwars* or *santals* were either slaves in perpetuity *(saunkias)* or bonded labourers who sold themselves for life *(banda sewak)* through agreements *(banda patta)* which could be renewed for fresh loans. Their status was bequeathed if the original debtor failed to repay the loan. References to a similar system of bondage among the agricultural workers in parts of the United Provinces have been found.[49] In Gujarat (Surat) and in parts of Maharashtra a group called *halis* or bond ploughmen existed who engaged in agricultural labour 'to discharge a debt'. In Surat this system was hereditary and more widespread, whereas in Maharashtra it was lifelong.[50]

All these categories developed even while formal slavery still existed in full force. With the abolition of the latter, these categories continued as the manifest form of forced labour, and their ranks were swelled by large numbers of ex-slaves who had gained freedom only to exchange it for bondage in some form. An account of this process of transformation emerges from contemporary accounts on parts of South India, where the immediate result of the Abolition Act was that the deed for sale was easily substituted by written agreements through which ex-slaves pledged their labour for a cash loan or food. Bondage was cemented following the Workman's Breach of Contract Act of 1859 which made any violation of contract terms legally punishable and thus made it impossible for bonded labourers to escape servitude unless the entire loan was repaid. An administrative report of 1892 indicates that in the areas under the *mirasi* tenure system, debt bondage came to flourish among ex-slaves and their descendants, now collectively known as *padiyals*. The situation remained largely unchanged even after the opening of tea and coffee plantations in Malabar and Ceylon in the 1840s and the subsequent influx of ex-slave migrant labour to those parts. This position was maintained through a variety of factors. The Act was more or less unknown to slaves, as the local Indian authorities, being very often slave-owners or *mirasidars* themselves, would deliberately suppress its content. They insisted that any complaint about ill-treatment by masters should be routed through the very masters against whom they wanted to complain. Even when slaves ran away they were captured and restored to their masters. Caste prejudice blocked avenues of alternative employment under high caste masters, and especially in *mirasi* areas, it obstructed the chances of owning any

arable waste land due to the *mirasidars'* full control over its disposal. *Mirasidars* and even the lesser tenureholders acted as a body to prevent slave castes from holding any land. The obstacles restricting the upward mobility of slaves were not created by high caste masters alone. On public works coolies coming from slightly higher sub-castes refused to work side by side with untouchable *cherumar* ex-slaves. *Padiyals* were therefore forced to stay on with their masters under bondage. A report of 1887 on Malabar cites yet another reason.

> Even when European planters offered higher wages the necessity of providing their women with dwellings on which they could live had been the chief obstacle which prevented their final release from ... slavery. The result had been that the masters provided the women with huts and allowed the men to go to work on the plantations on condition that they returned in good time for the rice cultivation and handed over a considerable portion of their earnings ... The slaves as a caste will never understand what real freedom means until measures are adopted to give them indefeasible rights in the small orchards occupied by them as house-sites...

Even after the abolition of slavery the technically free labourers *(padiyals)* were still referred to as *adimaiyal* (slaves) and the cloth given to them at the Pongal festival retained the old name of *sirai panam* (slave money)—the confusion of terms indicating both a refusal to accept the change in slave status and a persistence in actual conditions.[51] The twin bases of the old system—the economic need for a captive labour force and the ritual attitude towards impure castes and untouchables continued, and so did servile labour despite the legal abolition of slavery.

According to Breman, all forms of agricultural labour in traditional society were characterized by some kind of bondage, which offered a wide spectrum.[52] There was an uneven pattern of distribution but this system was profoundly marked in Madras, Bombay, Gujarat, and the Chota Nagpur region in Bihar. Its incidence was directly correlated to the density of tribal or untouchable communities in these regions, a fact traced back to the subjugation of tribals engaged in shifting cultivation by caste hindus.[53] A survey done in 1981 reported that 86.6 per cent of the

total population of bonded labourers in India were *harijans* or *adivasis.*[54]

Forms varied widely. Though technically these labourers could not be sold, yet outright sales and mortgages were not very uncommon. The price was fixed according to the amount of the labourer's debt to the master, and due to legal constraints, the transaction was recorded as a formal transfer of debt. Labourers were transferred when the master sold the land to which they were attached. In addition to the land price, the buyer had to pay the amount of the labourer's debt due to the master. As under slavery, husbands and wives were occasionally sold separately in parts of Central India.[55] *Chamar* labourers bonded to *rajput* landlord lineages in Khalapur village (Saharanpur district of Uttar Pradesh) faced a similar experience.[56] Often bondage was intertwined with several forms of petty tenancies and sharecropping, which were almost equally marked by forced unpaid labour or *begar.* In the Palamau district of Bihar, bonded labour was known as the *kamiauti* system, under which impure castes of *bhuiyas, chamars, kahars* and *dusadhs* were bonded to small landlords through debt which was passed down from generation to generation. The Bihar and Orissa Kamiauti Agreement Act of 1920 tried to restrict its scope by making it an annual contract which had to be registered with copies given to labourers who were promised fair wages. This led to the emergence of a new category of annual contracted workers *(ulti-sewaks)* though the old type of bondage still prevailed. In the same district however, tenants were also traditionally forced to perform *begar* for landlords, so that in practice there was little difference, especially as *kamias* too were settled on a small plot of land which they could cultivate.[57] In Central and Southeastern Punjab, the small scale tenant was often so heavily indebted to rich peasant creditors, and his land so often mortgaged, that his independence or tenancy rights would frequently be purely notional. In order to retain his plot he would perform unpaid service for the landlord, and cultivate the crops which the landlord desired. This worked out better for the landlords than employing wage workers, because they were assured of a higher level of work motivation without much need for direct supervision.[58] A government report of 1887 commented that forced labour for landlords prevailed all over the country and 'is a recognized form of tenancy which legislation would be powerless to remove'.[59] More often, however, debt bondage was a form of

landless agricultural labour. From 1860s onwards rich farmers in the Punjab with very large holdings acquired a stable supply of labour through loans and advances, and in the early twentieth century they began to issue written contracts to these labourers known as *siris, sajjhis* or *sanjhis*.[60] Under the *sagri* system in Rajasthan, the indebted labourer served his creditor without cash wages, but for food and a share of the produce. In the *gothi* system prevalent in Orissa, the debtor performed free agricultural and domestic service in exchange for food and loans.[61] In the Chittagong hill tracts in Eastern India we find a very rare example of intra-tribal bondage—some hill tribes had to perform four days of unpaid service for the tribal chiefs.[62] This was probably more an indication of political and social deference without any real economic role. The affinity between bondage and the broader village organization under the *jajmani* system has been frequently commented on and worked out—menial castes in traditional village societies often had to practise their crafts for village purposes in exchange for a share of the total village produce. As Beidelman has remarked

> inheritance of debts, high cumulative interest, the family and caste systems, the specified payments and work obligations and spatial immobility make these indebted workers extremely similar to *kamias* in the *jajmani* system.[63]

Debt was almost always the basis of bondage. The striking aspect of this phenomenon was the small amount involved: for only a few rupees a man would sell himself and his descendants to bondage. These loans were taken mainly for urgent domestic expenses, rent payment or ceremonial expenditure (wedding or funeral expenses). The widespread prevalence of the latter reveals the extraordinary pull of ritual obligations even at the cost of perpetual servitude. But contracting the debt on some pretext could also be a way out of employment uncertainties and scarcity or starvation. This leads one to the controversy about the initiative underpinning the system. Did bondage develop in a land surplus situation where landowners took the initiative in subjugating agricultural labour which might otherwise settle down on non-reclaimed areas? Or was it the labourer's initiative due to a situation where, as Dharma Kumar points out, 'an obligation to work could be construed as a right of employment'?[64] The view confirming the owner's initiative gives an incomplete picture, as debt bondage was

basically a voluntary submission. Also, it appears that a land surplus situation was not really the cardinal factor; much more important was the nature of the harvest cycle with demand for labour shooting up suddenly during the peak seasons. Breman's perceptive study of the *hali* system of bondage in Gujarat adds to it the ritual dimension embedded in the *jajmani* system. Controverting a narrowly economic interpretation he argues that 'no clear line divided purely secular activities from ritual services'.[65] While this is true in a broad and general sense, yet in certain specific cases bondage may also exist independently of the ritual dimension. In the Punjabi peasant ethos, self-use of the plough is habitually glorified, and remoteness from direct cultivation sharply condemned. Yet the need for forced labour arose due to the harvest cycle pattern.[66]

In an analysis of the debt factor Surendra Patel described debt bondage as a function of growing monetization connected with the spread of commercialization in the agrarian sector in British times. He objects strongly to the term 'feudal' which is often imputed to the system.[67] Dharma Kumar, however, has shown quite convincingly that servile labour was a product not exclusively of British rule and commercialization, but also of pre-British traditional society connected with the regional caste structure.[68] In any case both monetization and commercialization may not necessarily be intrinsically antithetical to feudalism. Case studies seem to indicate that commercialization in the late nineteenth century did not lead to the growth of the system but to its decline, or at least to a restructuring of the kind of bondage associated with the *jajmani* network. With the increasing prices of agricultural products and leather-hides, landowners in the Punjab wanted to deviate from the customary produce wage to artisans, and the menial caste of *chamars* was deprived of its traditional right to raw hides in which the landowners started trading themselves. The violation of the customary exchange network and caste functions led to the appearance of cracks in the traditional edifice and to the growth of tension and actual confrontation between landlords and labourers.[69]

Whatever the controversy about the extent of British responsibility in introducing and reinforcing bondage, there cannot be any doubt that one particular variant of it was exclusively a colonial innovation. This was the system of indentured labour supply to tea and coffee plantations in India which was derived from the

model of the export of Indian coolies to the British colonies of Mauritius, Fiji and the West Indies.[70] The history of the Assam tea plantations provides an excellent case study for the development of the system as well as for the government's role in it.

Tea cultivation prospects in Eastern India were explored seriously after the conquest of Assam in 1825. From the 1830s, tea cultivation began in India under government auspices, but in 1839 a body of private white capitalists was formed (the Assam Tea Company), and the government transferred most of its gardens to it. From the beginning private planters worked in perfect complicity with the government which assiduously created perfect preconditions for their smooth operation and profit—land was given to them at a cheap rate, there was rapid development of a transport network, but the most crucial factor of all, was cheap labour supply which was ensured through a series of suitable legislative measures. This was very important in view of the fact that local labour remained more or less indifferent, and a constant supply was necessary to keep the plantations going. According to a report of 1884, only 5.5 per cent of the total labour force was recruited from Assam itself; the rest were from the Santhal Parganas, Bengal, Bihar, the Northwestern Provinces, Madras, Nepal and Bombay.[71] The high rate of demand for outside labour, however, had to be balanced with the need to acquire it at the cheapest possible rates so that normal market conditions could not be allowed to develop.

The emigration of indentured labour began around 1859. Planters sent recruiting agents (*arkatis* at first, then garden *sardars*) to selected areas where groups of potential coolies were rounded up and made to sign a contract for full-time labour, obeying all the conditions set out in the contract, for a stipulated period of five years. There was no demand for any particular skill, but only for a capacity for very hard work under very poor conditions. As no 'pull' factor operated to attract labour, the most backward areas alone could provide the necessary 'push' for labour emigration, and this consideration was reflected in the choice of the well-known famine prone catchment areas. Even then, conditions on the tea estates were so unhealthy and harsh, that contract terms had always to be falsified and misrepresented to potential coolies in order to tempt them to sign. Once they had signed in their ignorance of facts, they were irrevocably committed to years of virtual slavery in a foreign place where they lived under subhuman conditions and were treated

worse than beasts of burden.[72] Even though the contract fixed graded wages and hours of work, the government did not provide proper inspection facilities to ensure their effective implementation. On the other hand, repeated measures were adopted to increase the planter's control and the labourer's helplessness, so that each planter (almost always white) was legally allowed to behave like a perfect despot. Since the system was based on temporary service and regular inputs of labour, there was no need to ensure that each batch of labour should reproduce itself. The small element of paternalism found among New World slave owning planters was totally missing and the fundamental aspect of coercion was naked and blatant.

An Act of 1837 legalized the contract or indentured labour system. The Workman's Breach of Contract Act of 1859 effectively stopped all possibility of escape once the labourers became aware of the prevailing conditions on the tea estates. The Act of 1863 allowed the planter's right to arrest runaway coolies, and the Act of 1865 fixed wages at five, four and three rupees per month for men, women and children respectively, for nine hours of daily toil. These wages were about one third of that paid to coolies indentured for overseas colonies, and even these were not regularly or fully paid. Some land was given to labourers for self-cultivation, for which rent had to be paid out of the meagre wages, and over which their tenancy rights depended solely on the planter's whims. The stringent Inland Immigration Act of 1882 allowed uncontrolled recruitment without licence, and further tightened the planter's control over labour. The late 1880's saw powerful exposure and criticism by Indians, bursts of labour upsurge on the estates and the gradual spread of trade union organization. These factors combined to set in motion a process of mitigation of the terms. The indentured system was abolished in 1915, and the 1859 Act was repealed in 1926 under continuous AITUC (All India Trade Union Congress) pressure. But wage rates remained constant at the 1865 level despite the growing market and profit for tea, which proved the persistence of coercion under other guises.[73]

Did the British abolish servile labour in India or were they, on the contrary, responsible for its aggravation? That the Abolition Act did not mark a remarkable departure in labour relations is fairly well-established. Going further, scholars have argued that the whole gamut of economic changes growing out of colonialism—new land settlements, de-industrialization, commercialization of agriculture—

led to the development of a huge sector of agricultural proletariat, very often in bondage. In pre-colonial India on the other hand, there were self-sufficient village communities based largely on mutual reciprocity. Even though there was domestic slavery and even praedial slavery in the Tamil country and on the west coast, the system had become practically moribund by 1819.[74]

The picture of self-sufficient village communities prescribing roles and functions to each order is, however, increasingly found to be a myth. For South India at least, the existence of a caste-based sizeable servile labour category is well documented from pre-colonial, early nineteenth century times.[75] The contention that praedial slavery was dying out by 1819 is based on contemporary British reports arguing against the abolition of slavery, and rather unduly minimising its incidence to strengthen their argument.[76]

There is little doubt, however, that in very significant ways British rule did reinforce forced labour though it did not actually create it. The role played by British merchants and port officials in the slave traffic has already been discussed. The idea of abolition was strongly resisted for a long time, since administrators feared its adverse effects on non-cultivating, high caste slave-owners and the consequences on their political loyalty and revenue paying capacity. The argument proceeded from the logic that the traditional methods of surplus appropriation were to continue as long as they fitted in with the colonial state's need for revenue maximization. Haider Ali's experiment of settling ex-slaves as owners of the soil which they tilled was not followed, while the *mirasi* tenure system was continued and even reinforced at places. The policy therefore, was not simply continuity, but a highly selective continuity, favouring particular trends.

Forced labour continued in more active ways too. Reports from Punjab, Assam, Bombay, the Northwestern Provinces, Oudh, Bengal, the Central Provinces and Madras, describe how provincial governments unhesitatingly set up press gangs, and used virtual *corvee* labour on public works—building roads, repairing irrigation projects, for troop movements and marches.[77] Apart from service on public works they were also rounded up for personal service to government officers. Such seizure and uprooting of slaves from their accustomed habitat seemed to have been a rather novel, and vastly detested innovation, especially in the South.

In Wynaad district in Malabar, such actions led to an uprising

in 1812. In 1820, a government official was *gheraoed* by armed tribesmen in protest against this custom.[78] When formal slavery was banned, a host of laws was passed to provide a supportive structure for maintaining the use of forced labour in plantations and other sectors. On the other hand, no such support was provided to enable ex-slaves to emancipate themselves from bondage; the Government, despite suggestions from some of its own officers, did not come forward with grants of land or substantial education and employment opportunities, to push emancipation to its logical conclusion.

Baber, a British officer, wrote in indignation that it was colonial rule that really put into practice the evil custom of selling slaves off the land they habitually tilled and of separating slave families by sale. Even though the Indian slave-owners did possess the right theoretically, they seldom exercised it. To procure cheap labour, this was authorized in 1798 by Murdock Brown, an overseer of the Company's plantation in Malabar. It was further encouraged by British revenue officers when they forced the sale of slaves (minus the land on which they lived) for their masters' revenue arrears. In fact, revenue officers themselves sold the slaves from public auction blocks. Baber strongly criticized the stock anti-abolitionist argument that forced labour ought to be retained because the higher castes would otherwise be totally helpless, being as they were traditionally divorced from the cultivation process. According to him, such rigid caste prescriptions were being steadily eroded, and the upper castes were increasingly drawing closer to production, a process that would have been encouraged by the emancipation of captive labour. Colonial policy then, not only continued the old hierarchy but actively froze it and choked the potential for change. A similar process was observed in the case of slaves:

> I have observed amongst the slaves in the vicinity of large towns a growing spirit of industry and independence which, but for the countenance their masters have received from us (the British) ... would have ripened into an assertion of their liberty long ago.[79]

These observations made by a government official with 32 years of continuous experience among both slaves and slave-owners carry a lot of weight, even if not entirely accurate. The relevance

of these observations would continue even after the Abolition Act: it has been already seen how the essence of slavery was preserved in other forms of forced labour.

From such highly scattered, uneven data it is still possible to reconstruct, however tentatively and impressionistically, a composite image of the human being in bondage—an individual face, a distinct identity which slowly emerges from hazy impressions of a featureless anonymous mass. A series of disjointed, contemporary observations exists about his ritual or ceremonial practices, religion and magic, living and work conditions, his interaction with his family, fellow slaves and master—all adding up to present a picture of his life in bondage.

The interplay of the dual factors of caste impurity and landlessness also led to the bonded mode of existence. Even when bondage was embedded in the *jajmani* system, these two factors ensured that there was no reciprocity for them in the real sense of the term but a total alienation from their labour power. Customary expectations existed but there was no certainty of redress or protection if these were violated. Flogging, the separation of families by sale, and the separation of the slave from the land cultivated by him were rare, but not impossible; the master's rights over him were absolute in theory as well as in practice. The weight of contemporary evidence seems to be definitely in favour of overwhelming poverty and immobility.

The fundamental importance of exploitation, however, need not rule out the seemingly curious fact that slaves had, over the years, partly internalized the ideology of the dominant classes or castes as the natural order. The spread of the process may be gauged from the exact replication of the caste hierarchy among the slaves themselves. Minute distinctions in ritual status that divided one slave caste from another were zealously preserved by the slaves themselves; masters encouraged these caste distinctions according to differential functions, remuneration and terms of work. In Travancore the slave caste of *pulaiyas* was ritually superior to the slave caste of *paraiyas* who ate carrion. A *pulaiya* would bathe five times a day and let out blood to escape pollution if he so much as touched a *paraiyan*.[80] Intermarriage and interdining were inconceivable and relative purity and pollution among the slaves themselves were considerations as important as they were among the higher castes.

Even the pattern of resistance pointed to the same process of internalization. Total submission and open rebellion are only the extreme poles in a continuum of attitudes, and even submission need not mean assent. Here one is only concerned with open defiance. There is absolutely no evidence of rebellion or resistance by praedial slaves or bonded labourers and this seems to constitute rather convincing negative evidence, though this is an area which has been very poorly recorded.[81] On the other hand, coolies in the Assam tea gardens, despite extremely close supervision and control, displayed a remarkably wide range of resistance—active and passive, individual as well as collective. Apart from frequent attempted flights and suicides, there was also collective defiance of, and assaults on, managers. In 1884, coolies in Lakhimpur beat up the manager who had severely caned a young boy. The same year there was a *gherao* of the Bowalia garden manager for ill-treatment of coolies. In 1884, 30 Oriya coolies at the Tiplunk estate struck work when the manager assaulted a woman.[82] British officers faced considerable resistance from slaves when due to revenue pressure they were sold away from their lands, or when government officers arbitrarily pushed them into press gangs. In Malabar the *coochiers* (a hill tribe) 'in general have been the first to take up arms against us (the British)'. The Wynaad rebellion of 1820 and organized demonstrations against forced sale have already been referred to.[83]

There seems to be a paradox here—passive acceptance on the one hand, and a remarkable capacity for resistance on the other. But the surface contradiction is resolved when one examines the targets of attack. In the case of Assam coolies, just as with slaves in the South, resistance occurred not when they formed a part of the traditional network of relations, but when they were torn from the familiar, accustomed structure of exploitation, uprooted and transplanted to a different and alien system of bondage. Resistance was always to the outsider, to one who had recently usurped control and who therefore lacked authority and legitimacy in their world view.

Such hegemony, however, does not indicate true mutual reciprocity or paternalism except as a manipulatory device. A Christian priest wrote in amazement in 1832, that even though they were hindus the agrestic slaves were 'very gross in their superstitions ... They are allowed no intercourse with the rest of the natives in matters of religion'.[84] This distance was a significant fact of their

existence, reflected especially in the highly autonomous world of magic and religion. It was one of deeply primitive, animistic beliefs and practices, and it was surprising to find them in full strength among hindu slaves and not isolated tribals, working in settled agriculture and under brahmanical hindu orthodoxy. This does not mean that an essentially non-hindu culture has somehow been extrapolated into Hinduism, as Hinduism encompasses diverse modes of beliefs and practices within itself. Hegemony is achieved not through uniformity but through a hierarchical ordering of diversities bound together within an overall exploitative structure of purity and pollution. The coexistence of these two systems highlights the mental distance of two almost mutually exclusive worlds, even if they were physically close and interdependent. While the classical Hindu pantheon and folk culture do admit a large proportion of magic and animism, slave religion seemed to be nothing but that. They worshipped 'rude stones, logs of wood or pottery' set on high pedestals in open fields or under trees. 'All the slaves believed that every mountain, hill, forest, river had its appropriate deity'. *Bootha* or spirits constituted the main deity everywhere. Evil spirits or *pisachas* were spirits of evil men after their death, while the spirits of good men, when they left the bodies, continued to hover around their earthly dwellings.[85] There were vague, undefined notions about a place of torment *(naragum)* and a place of beatitude *(swargam)* after death and also of transmigration, but these remained peripheral and were not integrated with their religious system as a whole. In contrast to upper caste customs they buried their dead, fasted and drank toddy as marks of mourning.[86]

Apart from the worship of objects, a whole range of deities, drawn from diverse sources was worshipped, including Mariama (Mariamma), Mariappan, Kali, and Chamooney.[87] But devil worship or the worship of *bootha* remained of primary importance, corresponding to a way of life where dark, dangerous, primeval forces remained the overriding reality. Deities drawn from the Hindu pantheon were mostly mother goddesses of the awesome type who themselves had probably come from aboriginal beliefs in the first place: the presence of the more gracious, benevolent deities was extremely rare and superficial.

Agrestic slaves from Malabar and Canara had officiating priests drawn from their own castes whose offices were hereditary. They mediated between spirits and men through their supernatural powers

of *mantras,* which supposedly gave them the ability to inflict diseases on men and beasts. There was widespread belief in their ability to foretell the future through spells and incantations. On certain festival days they entered into a state of frenzy and possession, commanding tremendous awe not only from their caste fellows but also from other slave castes. This was one of the very few occasions when

> the slaves forgot all caste distinctions to have recourse to those slaves that with their *mantras* they might let loose destruction among the cattle and families of their enemies. Even high castes stood in fear of their dark powers. They wielded such a great influence over others that in times of public commotion they were actually able to unnerve the soldiers of the most loyal regiments which sometimes exposed British officers to the most imminent peril.

In an anti-British uprising at Wynaad in 1803, loyal soldiers threw down the muskets, believing that *mataran* priests had cast a spell and that the muskets would not go off.[88]

The material and ideological pressures on the slaves were so tremendous that they became almost a race apart. Not only were their beliefs and customs different from those of their masters. but their very character and personality were also regarded as distinct. Highly brutalized, often drunk, violent and remarkably lacking in self-restraint they remained devoid of 'circumvention, chicanery, fraud and perjury'—the subtle manipulatory tricks of a civilization based on property relations. Despite the fragility and impermanence of their family and land relations, they exhibited extraordinary, fierce attachment to both. Contemporary writers noted that family ties often meant more to them than they did to their social superiors.[89]

Within the outer arch of assimilation and hegemonization by the ideology of dominant groups, an inner, almost completely closed world, of primitive survival existed for slaves and bondsmen. This was their 'living space', an area of autonomy set apart from their master's domination and control. It was also a comprehension of their dark, helpless, primeval and precarious existence which they elliptically identified by extension as their entire universe.

Notes and References

1. Some authorities even go so far as to claim that there could be no absolute freedom or its converse in personalistic societies for the very notion of freedom in the western sense was non-existent.

   > People did not seek to be free ... rather they sought to become embedded in a network of protective power ... The most unslavelike person was the one in whom a small number of claims, powers and privileges were spread over a large number of persons ... A slave was powerless in relation to another precisely because he had to depend *exclusively* on a single person for protection ...

   Slavery or otherwise, it was all a question of degree. See Orlando Patterson, *Slavery and Social Death—A Comparative Study,* Harvard University Press, 1982, p. 28.
2. The distinction between slavery and debt bondage made by Patterson on the basis of the non-hereditary nature of the latter cannot really be made for Indian society, as we shall see later. *Ibid.,* p. 9.
3. RST—2/6/1887—*Report on Forced Labour,* IOR 4/P and J/6/205; June 1887. Note by Home Secretary, Government of India, (J & P 1146/87). Demi Official from Private Secretary of Governor-General, 9/4/1887.
4. Painstaking regional or local research has located very important restructuring of bondage due to increasing prices of agricultural commodities. See for instance, Neeladri Bhattacharyya, *Agricultural Labour and Production (Central and Southeastern Punjab:1870-1940),* unpublished paper, 1982; Sudipto Mundle, *Backwardness and Bondage—Agrarian Relations in a South Bihar District,* New Delhi, 1979; and Jan Breman, *Patronage and Exploitation,* London, 1974.
5. D.R. Banaji, *Slavery in British India,* Bombay, 1933; 'Slavery in the Bengal Presidency', *Parliamentary Papers,* No. 262, 1841; B. Natarajan, *Slave Trade in Madras,* Madras Tricentenary Commemoration Volume, Oxford University Press, Madras, 1939.
6. C.S. Srinivasachariar, 'Agrestic Serfs in South India at the Advent of British Rule', *Indian Journal of Economics,* Vol. XIV, No. 3, January 1934.
7. D.R. Banaji, *Op.cit.*
8. Natarajan, *Op.cit.*
9. Srinivasachariar, *Op.cit.*
10. Natarajan, *Op.cit.*
11. Banaji, *Op.cit.*
12. Banaji, *Ibid.*
13. Banaji, *Ibid.* See also *On the Affairs of the East India Company*—Appendix K-549 1-Public, *British Parliamentary Papers,* Vol. 6, 1831-1832, pp. 549-580.
14. The term is borrowed from Eugene D. Genovese, *Roll, Jordan, Roll—The World the Slaves Made,* New York, 1972, p.148.
15. 'Report on Slavery in the Bengal Presidency', *Parliamentary Papers,* No. 262, 1841. In South India domestic slavery was largely confined to Muslim households. See *British Parliamentary Papers, Op.cit.*
16. *Parliamentary Papers, Op. cit.* There was also a large group of temple slaves dedicated to the deity by their parents. They were recruited from all castes and

some, especially girls, were given intensive training in specialized skills like music and dancing. Girls enslaved to the deity usually ended up serving the priests.

17. Krishnakumar Mitra, *Atmacharit,* Calcutta, 1946, p.13.
18. *Parliamentary Papers, Op.cit.*
19. Banaji, *Op.cit.*
20. See for instance, traditional *tuluva vellalan mirasidars* owning slaves in the Southeastern Tamil country who belonged to the *shudra* order. Benedicte Hjejle, 'Slavery and Agricultural Bondage in South India in the Nineteenth Century', *Scandanavian Economic History Review,* Vol. II, Nos. 1 and 2, 1967.
21. On remuneration and produce share see Hjejle, *Ibid.* Also *On the Affairs of the East India Company, Op. cit.*; also K.,Saradamoni, 'Agrestic Slavery in Kerala in the Nineteenth Century', *Indian Economic and Social History Review,* 10(4), 1973, pp. 371-385.
22. Baber's report of 1832, in *On the Affairs of the East India Company, British Parliamentary Papers, Op. cit.* Dharma Kumar also makes the same point on the set of terms used by administrative accounts to refer to the transfer of slaves in the Malabar and Canara region. 'Interestingly enough the set of terms ... are identical with those used for the transfer of land.' See *Land and Caste in South India,* p. 36.
23. See Hjejle, *Op. cit.;* also *On the Affairs of the East India Company, Op. cit.*
24. For instance, *adimai,* the Malayalam word for slave, seemed to be identical with the slave caste of *cherumars* in South Malabar and *pulaiyans* in North Malabar. See Dharma Kumar, *Op. cit.,* p. 36. See also Hjejle, *Op. cit.* This polarity between peasant and upper castes on the one hand, and landless untouchables on the other, seems to bear out Irfan Habib's contention about a continuing process of domination by peasants and of hunting and food gathering tribes. Habib, *The Peasant in Indian History,* Presidential Address, Kurukshetra Session of the Indian History Congress, 1982.
25. See K. Saradamoni, 'Agrestic Slavery in Kerala in the Nineteenth Century', *Op.cit.*
26. See Hjejle, *Op.cit.*
27. See Hjejle, *Op. cit.;* also see Tremenhere's report of 1892 on 'The *Pariahs* of Chingleput', *Madras Revenue Proceedings,* Vol. 4218, Nos. 1010, 1010A, September 30, 1892. See also *Parliamentary Papers, Op.cit.* Dharma Kumar's description of the servile population as one which had somewhat smaller rights on the land it cultivated than the *mirasidar,* and the tenant makes nonsense of the actual nature of exploitation and helplessness. The term 'right' in its exact sense cannot be properly applied here at all—only customary expectations, and that too depending on the master s willingness. Also, her use of the term 'lower caste' to describe the slaves is not very precise since they were outcastes or untouchables. Dharma Kumar, *Op.cit.,* p. 34.
28. See 'The *Pariahs* of Chingleput', *Op.cit.*
29. See Hjejle, *Op.cit.* Also *On the Affairs of the East India Company, Op.cit.*
30. The term, borrowed from Max Weber, has been used by Hiroshi Fukuzawa, 'Rural Servants in the Eighteenth Century Maharashtrian Village—Demiurgic or *Jajmani* System in Studies in Economics', *Annual Journal of the Faculty of Economics,* Hitotsubashi University, No. 8, March 1966.

31. See Hjejle, *Op. cit.* Also *On the Affairs of the East India Company, Op. cit.*
32. 'Slavery in the Bengal Presidency', *Parliamentary Papers,* No. 262, 1841, *Op. cit.*
33. Dharma Kumar, *Op.cit.*, p. 38. Also 'Madras Slavery Papers', *Board of Revenue,* Vol. 826, pp. 5550-5552. Also *On the Affairs of the East India Company, Op.cit.*
34. See Mencher, 'Continuity and Change in an Ex-untouchable Community of South India' in Mahar (ed.), *The Untouchables in Contemporary India,* Arizona, 1972.
35. *Parliamentary Papers,* No. 262, 1841, *Op.cit.*
36. *On the Affairs of the East India Company, Op.cit.*
37. Hjejle, *Op.cit.*
38. *Madras Slavery Papers, Op.cit.*
39. *Parliamentary Papers,* 1841, *Op.cit.*
40. See Hjejle, *Op.cit.* Also *On the Affairs of the East India Company, Op.cit.*, as well as *Parliamentary Papers.* Also *Board of Revenue,* Vol. 829, Fort St. George, 1819, pp. 6839-6959.
41. See Hjejle, *Op.cit.*
42. Campbell's report, *On the Affairs of the East India Company, Op.cit.*
43. Saradamoni, 'Agrestic Slavery in Kerala in the Nineteenth Century', *Op. cit.*
44. *On the Affairs of the East India Company, Op.cit.*
45. On this aspect see Genovese, *Roll, Jordon Roll, Op.cit.*
46. *Board of Revenue,* Vol. 840, Fort St. George, 25/11/1819, pp. 10646-10695.
47. H.H. Risley, *Tribes and Castes of Bengal: Ethnographic Glossary,* Vol. II, Calcutta, 1891, reprinted 1981, pp. 271-273.
48. In this connection one might mention the very curious *Pula Pedi Kalam* custom in Kerala according to which in the months of February a free *shudra* woman would be permanently degraded into the slave caste if a *pulaiyar* (a member of the main slave caste in Travancore) male managed to capture her. See K. Kusuman, *Slavery in Travancore,* Kerala Historical Society, 1973.
49. See *Parliamentary Papers,* 262, 1841, *Op. cit.;* also D.R. Banaji, *Op. cit.*
50. See *Parliamentary Papers, Ibid.*
51. See Hjejle, *Op. cit.*
52. The same category was known by a variety of regional names—*hali* in Gujarat, *padiyal, pannaiyal* or *charma* in South India, *bhagala* in the Telugu country, *gotha* in Orissa, *kamiar* in Bihar, *harwala* or *sewak* in Uttar Pradesh and *sepi* in Punjab. Jan Breman, *Patronage and Exploitation,* London, 1974, p. 7.
53. R. Mukherji, *Land Problems in India,* London, 1933, pp. 7-8.
54. Sarma Marla, *Bonded Labour in India—National Survey on the Incidence of Bonded Labour, Final Report,* Delhi, January 1981, pp. 17-18.
55. Surendra J. Patel, *Agricultural Labour in Modern India and Pakistan,* Current Book House, Bombay, 1952, pp. 77-78.
56. M. Mahar, 'Agents of Dharma in a North Indian Village' in Mahar (ed.), *The Untouchables in Contemporary India, Op.cit.*, p. 20.
57. L.S.S. O'Malley, *Bihar and Orissa District Gazetteers,* Patna, 1926.
58. Neeladri Bhattacharyya, *Agricultural Labour and Production (Central and South-eastern Punjab:1870-1940), Op. cit.*
59. *Report of 1887 on Forced Labour*—IOR 4/P and J/6/205, June 1887. Note by Home Secretary, Government of India (J & P 1146/57). Demi Official from Private Secretary of Governor-General, 19/4/1887.

60. Neeladri Bhattacharyya, *Op.cit.*
61. H.V. Nagesh, 'Forms of Unfree Labour in Indian Agriculture', *Economic and Political Weekly,* Bombay, September 1981.
62. *Report on Forced Labour, Op.cit.*
63. Thomas O. Beidelman, 'A Comparative Analysis of the *Jajmani* System', *Monographs of the Association for Asian Studies,* VIII, 1969, p. 11. The comparison has been worked out in the case of *hali* labourers by Jan Breman, *Op.cit.,* and in the case of Punjab *sepidars* by Neeladri Bhattacharyya, *Op.cit.*
64. Dharma Kumar, *Op.cit.*
65. Jan Breman, *Op.cit.,* pp. 14-15.
66. Neeladri Bhattacharyya, *Op.cit.*
67. Surendra Patel, *Op.cit.,* p. 75.
68. Dharma Kumar, *Op.cit.*
69. Neeladri Bhattacharyya, *Op.cit.*
70. For this topic see Hugh Tinker, *A New Form of Slavery,* Delhi, 1974.
71. See Dwarkanath Ganguly, *Slavery in British India,* ed. by S.K. Kunda, Calcutta, 1972, pp. 2-3.
72. For details of malnutrition, insanitary living quarters, diseases and epidemics, rape, tortures and constraints on mobility, see the remarkable contemporary exposure by Ganguly, *Ibid.*
73. See Ganguly, *Ibid.* Also Sanat Kumar Bose, *Capital and Labour in the Indian Tea Industry,* Bombay, 1954.
74. See Surendra J. Patel, *Op.cit.,* p. 88.
75. See Dharma Kumar, *Op.cit.*
76. See Hjejle, *Op.cit.*
77. *Report on Forced Labour,* IOR 4/P and J/6/205, June 1887, *Op. cit.*
78. Baber's report of 1832, *On the Affairs of the East India Company, Op. cit.*
79. *Ibid.*
80. K. Kusuman, *Slavery in Travancore, Op. cit.,* p. 34.
81. Compare for instance the grades of attitudes revealed in James M. Freeman's life history of Muli, an untouchable Bauri labourer: 'Muli's ambivalent responses reflect respect for, affection for, resentment of, and rebellion against the same person ... Muli's acquiescence to his superiors did not mean that he accepted his lot'. *Untouchable : An Indian Life History,* London, 1979, pp. 54, 384.
82. Sanat Kumar Bose, *Op.cit.,* p. 89.
83. Baber's report of 1832, *On the Affairs of the East India Company, Op. cit.*
84. Evidence of Reverend Joseph Fenn, *Ibid.*
85. Banaji, *Op.cit.,* p. 98.
86. *On the Affairs of the East India Company, Op.cit.*
87. Banaji, *Op.cit.,* p. 98.
88. *Ibid.,* p. 100.
89. Here too, distinctions between the slave and non-slave agricultural proletariat were blurred.

Section II
The Past Relived : Contemporary Aspects of Bondage

4

DEBT BONDAGE IN SOUTH ARCOT DISTRICT

A Case Study of Agricultural Labourers and Handloom Weavers

R. Vidyasagar

South Arcot District in Tamil Nadu has been identified as one of the areas with a very high incidence of agrestic bondedness.[1] An attempt is made here to analyze the nature and form of bondage as a cheap source of labour mobilization, both in agriculture and in handloom weaving in this district. To have an adequate understanding of the contemporary situation it is imperative to outline briefly the historical context of the problem.

The historical context of bondage in agriculture

The present district of South Arcot was part of Thondaimandalam which formed the central plains of the Coromandel area in the tenth to thirteenth centuries. Early Tamil literature which provides evidence of the *vellala* colonization of this area during Chola rule, reveals that the *vellalars* were the important South Indian agriculturists of this historical period.[2] As the first settlers, they were given proprietary rights *(kaniatchi)* to the soil by the King.[3] Individuals who held this right were known as *kaniatchikarars.* Often there existed in a village a group of *kaniatchikarars,* while sometimes there was just one individual household controlling or dominating a village. The differences in the sizes of *kaniatchi* shares determined the extent of economic and political authority, and *kaniatchikarars* who possessed more shares dominated the rest. These individuals were known as *nattavars* or *nattars* and were headmen of larger subdivisions called *nadus* (comprising a number of villages).[4] *Kaniatchi* right extended not only to cultivable land but also to uncultivable

waste lands, and to the entire area within the villages under their control. *Kaniatchikarars* were generally drawn from the *vellalan* caste, and also from among the *brahmans* who got the right to soil through gifts from the king. During the period between the tenth to thirteenth centuries, the Cholas centralized political authority, and the State initiated a rapid agricultural extension policy. Innumerable tanks and canals were constructed during this period to ensure irrigation and extensive cultivation.

As the *kaniatchi* right was extended to large areas, the demand for labour increased. Hence along with assured irrigation, they were given the legal right to possess slaves. Cultivation was carried on with the help of both tenants and slaves. There were two categories of tenants, namely the *ulkudi* and the *porakudi. Ulkudies* were resident tenants who had occupancy rights and *porakudies* were tenants drawn from outside the village who comprised the tenants-at-will.[5]

Slaves were at the rock-bottom of the agrarian social hierarchy. They were locally known as *adimai.* The *kaniatchikarars* had the right of buying, selling and pledging the slaves. Slaves did not have any right to the soil. A whole family unit purchased as slaves was called *cootoo adimai.* The slaves were generally drawn from the un-touchable castes.[6]

Besides these categories there were eighteen others of artisans and menials providing services, according to the traditional caste-based division of labour.[7]

The village produce was proportionately shared by each *kaniatchikarar* in accordance with his share of *kaniatchi* right. Land was also periodically redistributed among *kaniatchikarars* so that each one obtained both good and bad land in turn.[8] They were allowed to enjoy a portion of land which was rent free (exempted from *melvaram,* or the tax paid to the king) and known as *kaniatchi manyam.* Besides this they were also allowed to enjoy a certain share from the tax due to the king. They collected in addition their proprietary share from the tenants, which was locally known as *tunduvaram.*[9] The tenants were required to pay the *melvaram* share besides *tunduvaram.* The artisans were paid a specific share of the village produce or allotted a piece of land according to the services rendered. The slaves were maintained by the community. Though the slaves were owned by the community as a whole, *kaniatchikarars* exercised individual usufructuary rights over slave families.[10]

The institution of agrestic slavery was thus legitimized during this period and flourished in association with *kaniatchi* land tenure; this implied monopoly of land control by the *kaniatchikarars* exercising proprietorship over a preponderant helot population. whose servile status was linked with caste status.[11]

After a period of relative anarchy, by the last quarter of the fourteenth century, South Arcot formed a part of the Vijayanagara empire. During this period the King did not interfere with the rights of the *kaniatchikarars.*[12] In certain parts Telugu speaking *reddiars* (middle caste cultivators) were settled but that did not imply any significant change in the agrarian structure. Mahalingam observed that under Vijayanagara rule the agrarian classes consisted of the landlords *(kaniatchikarars)*, religious institutions controlling large land grants, tenants and a class of farm servants. Both farm servants and tenants were a source of cheap labour and were of servile status.[13]

From 1698 onwards, this area came under the control of the Imperial Mughals. Though the Mughal administrators did not initially acknowledge the privileges of *mirasidars* (the term *kaniatchi* was replaced by the Arabic term *mirasi*), in the interest of collecting more revenue they were forced to forge an alliance with the *nattars.*[14] As renters (who were in charge of revenue collections) the *nattars* retained their hold on the agrarian economic and social hierarchy. The Mughal administrators did not effect any basic change in the agrarian structure.

In 1690 the British entered this district with the founding of Fort St. David at Cuddalore. In 1750, Tiruvendipuram Farm, consisting of thirty-two villages, and in 1762 Chinnappa Naicken Palayam with its neighbouring village Naduveerapattu, were given as *jagirs* to the East India Company by the Nawab of Arcot. The report prepared by four English officials on Tiruvendipuram Farm during 1775 gives us a clear idea about the agrarian social structure existing in those thirty-two villages.[15] It is interesting to note that the agrarian structure had not undergone any apparent change since the Chola period. Descendants of six *nattars* were still in control of all the villages, and cultivation was being carried out with occupancy tenants, tenants-at-will and slaves. There were sixteen artisans and menial categories performing their traditional caste-based division of labour. The *nattars* were drawn from the *reddiar* and *vellala* communities while the slaves were drawn from the untouchable *pariah* community. The *vanniyars (palli)* may have been the tenants as they

are a numerically important agricultural community in South Arcot even to this day. Between 1782 to 1785 and 1790 to 1799 more territories were assigned to the British by the Nawab, and by 1801, South Arcot, along with other districts, was permanently ceded to the British East India Company. During the first quarter of the nineteenth century, the Company's administrators were experimenting with different forms of revenue collections. At first the district collector attempted to settle the revenue directly with the actual cultivators by ignoring the village headmen (usually *mirasidars* and *nattars*), but this proved to be disastrous economically and politically.[16] The efforts of the administrators up to 1808-09 to establish a *ryotwari* settlement by infringing the *mirasi* privileges proved to be a failure and the village settlement had to be re-introduced, thus allowing the *nattars* to retain their economic and political power. However, the *nattars*, like the *zamindars* in Bengal under Permanent Settlement, resorted to maximization of income through rack-renting, and neglected any improvement of agriculture. Thus a revised version of the *ryotwari* system of settlement was eventually re-introduced by the British. The recognition of private property was one of the basic principles of the modified *ryotwari* settlement. While recognizing the rights of *mirasidars* (which was neglected in the first *ryotwari* settlement) protection of the rights of *ulkudies* was promised.[17] There was no move to do away with the system of slavery. However, introduction of private property in land transformed the communal form of slavery into individual rights over the slaves. The intimate linkage of agrarian bondage with *mirasi* tenure (*mirasi* estates have become the private property of the *mirasidars*, but even to this day these landlords are called *mirasidars*) was noted in the Tamil country by Ellis.[18] He explained that the *pariahs* (untouchables) lived in a state of bondage in the villages where *mirasi* rights prevailed; this state he described as villeinage, somewhat inaccurately borrowing a concept from European feudalism. Yet Ellis's report does reveal the powerful agrarian social hierarchy which perpetuated the system of slavery.

Hyde's letter to the Board of Revenue in 1819 gives us some idea about the incidence of slavery in South Arcot district during the early nineteenth century. He gave an estimate of more than 17,000 slaves in South Arcot district. He remarked that they appear to have been generally born into a state of servitude through some contract of their forefathers. He observed that the slaves belonged

to the *pulley* (it is not very clear whether he meant untouchable *pallars* or *palli/vanniyars*) and *pariah* communities. The *pariahs* were always looked upon as natural slaves and became the property of any person who contributed to their marriage expenses: this was the usual practice at that time for initiating hereditary slavery.[19] However, in the reports of the British officials, the lack of a clear cut distinction between the terms slavery and bondage (by which we understand a voluntary contract between the bonded labourer and the master), imposes certain limitations on our understanding of the exact nature of the relationship.

It is notable that not a single case was cited in the British records, of slaves being freed through official action. On the contrary, it was a common practice, during the early nineteenth century, for the district collectors to help each other in restoring the runaway labourers to their masters.[20] In Madras Presidency, the government had recourse to the seizure and sale of slaves in satisfaction of revenue arrears, and to pressurizing the slave owners, who were revenue defaulters, to sell their slaves to realize cash.[21] On the basis of the Law Commission Report on Slavery, 1841, Act V of 1843 was passed to regulate the system of slavery. However, there was no visible action against the basic institution of slavery, as the Act of 1843 did not aim at its total abolition. Non-recognition of a master's right over his slaves by the courts was an important clause of the Act. However, in the face of the existing reality of exploitative relations between classes in the agrarian context, where the slaves were totally under the economic and social control of the local dominant authority, such Acts remained peripheral to the *de facto* practices. The objective of this Act was tactical rather than based on principle. It aimed at the freer mobilization of labour to enable the British to transport thousands of slaves as indentured workers to meet the demands of the plantations of Ceylon, Malaya, Mauritius and South Africa. In 1857, Captain Christopher Bidon, wrote that

> the main flow of recruits came from the overpopulated Tamil districts, where the landless labourer had a hopeless struggle for survival. Among them, the untouchables were prominent, for their condition was virtually one of slavery under the grip of the upper castes ... The untouchables numbered about one fifth of the total population in Tamilnad, though in some districts they were more numerous. The majority of the recruits came from Tanjore, Trichinopoly and South Arcot ...[22]

By 1850 the collector of South Arcot remarked that emigration was hard on the landholder since it drew away his labourers.[23]

Emigration did not however, in the long run, alter materially the conditions in the labour market. Owing to heavy revenue exactions, sections of the pauperized peasantry swelled the ranks of the agricultural labourers. The artisans, especially spinners and weavers who were thrown out of their traditional occupations owing to the industrial revolution in Britain, flooding of the Indian market with cheap textiles and consequent deindustrialization within India, also added to the ranks of agricultural labourers. Later reports of the district officers reveal that in the majority of cases where personal slavery was involved, the slaves were forced to pledge their labour in return for a loan taken or in lieu of interest. The Breach of Contract Act, 1859, aided the employers in binding the labourers to work for them forever. In other words, the customary form of slavery was transformed into voluntary bondage where a labourer himself agreed to work in lieu of the loan taken.[24] In 1878, Garstin writes that South Arcot district had a number of landless day labourers belonging to the *pariah* caste who were called *padiyals*. He further remarked that

> They always receive an advance from their masters amounting to from two to ten pagodas (one pagoda was equal to three rupees and eight annas) when first engaged. This advance they are not supposed to repay and are not charged interest on so long as they continue in their service.[25]

During 1891, Tremenheere's report on the *pariahs* of Chinglepet, again emphasized the linkage between *mirasi* tenure and the continuance of slavery among the *pariahs*. He cited some examples from South Arcot where the *padiyals* executed bonds to bind themselves to work in lieu of the loan borrowed.[26] An article in *The Madras Mail* of August 20, 1891, mentions the registration of deeds of bondage with public authorities in South Arcot and other districts.This testifies to the attitude of the British administration towards bonded labourers. The economic survey conducted by Gilbert Slater during 1916-17 in a village of South Arcot district and the subsequent re-survey of the same village in 1936 by Veeraraghavan, cited cases of debt bondage and generational bondage. Veeraraghavan's survey indicates that a substantial

proportion of the agricultural labourers were in economic bondage.[27] The copy of a *padiyal* indenture included by Veeraraghavan in his report (see Appendix I) throws light on the nature of the contract. George Paddison, the Labour Commissioner then, in his memorandum to the Royal Commission of Agriculture in 1926, discussed the servile status of untouchables in *mirasi* villages and showed how they were not even allowed to own their house sites in Tanjore, South Arcot and Chinglepet districts.[28] Zacharias observed that the

> custom is so strong even today in the villages of this country and the labourers are so helpless against the lords of the land that from hereditary habit and to a certain extent from self interest the *padiyal* remains a willing *de facto* slave.[29]

In South Arcot district during 1971, over 79 per cent of the total work force depended on agriculture. This was largely due to the restricted labour market in the non-agricultural sectors. Agricultural labourers alone accounted for 37 per cent of the total work force and over 45 per cent of the agricultural work force (1971 Census). Given the limitations on employment opportunities and the drop in the real wages of agricultural labourers in recent years with inflation, their dependence on the landed gentry for credit increases and forces them into economic bondage. Evidence reveals that South Arcot stands out as one of the areas with a very high incidence of bondage even to this day, accounting for over 20,000 bonded labourers.[30]

The historical context of bondage among weavers

During the Chola period handloom, silk and cotton were produced to meet the needs of the palaces and temples, for export to foreign countries and for the community's requirements.[31] Looms were part of the property owned by the village in common, and the weavers, who were subservient to the landed elite, were given a specific share of the village harvest.[32] Hall states that the

> ownership of looms was one means of control a community could exercise against a craft community. Unlike other artisans

> whose skills were mobile, weavers' skills were dependent upon the use of looms which were not moved from community to community. To escape an intolerable situation in one community, a weaver would have to secure the services of a loom in another village to guarantee his continued livelihood.[33]

But even in this case they had to subject themselves to the control of the new village.

Each *nadu* of the Coromandel plain had a *nagaram* (town), which served as a nuclear market, where merchants were concentrated. In order to have control over the weavers, the merchants depended on *nattars* for their traded goods. There were also weaver settlements in *nagarams* where the weavers were directly controlled by the merchants. There was a systematic joint control of *nattars* and merchants over the weavers which kept them in a servile position. Weavers, like agricultural slaves, were not part of their regional assemblies.[34] Weavers are mainly drawn from the *kaikola* community, which is an important South Indian weaving community.

The inscriptions of the fourteenth to the sixteenth centuries indicate that the plight of the weaving community continued to be the same even after the Chola period. Chicherov points to the fact that during this period the artisans were tied through economic bondage to the merchants who were paying the loom tax on behalf of the weavers to the state.[35]

The late fifteenth century marked the arrival of European merchants; the first to arrive were the Portuguese, followed by the Dutch, the English and the French. Coromandel textiles were initially used as the principal article of barter in the spice trade, but during the late seventeenth century direct export of Coromandel textiles to Europe began on a large scale, and traders received encouragement from the feudal rulers.[36] The European merchants carried on their business through brokers, advancing them goods and money for the purchase of produce they required, as they know neither the local language nor the local market.[37] From the mid-seventeenth century, the scale of production increased substantially. The increased demand for capital increased the weavers' dependence on the available source of credit for both production and consumption loans, and loans to meet social obligations. Merchants played a crucial role in this context as they acted as both moneylenders and

marketing agents. Some of these merchants were rentiers of villages (just as the English East India Company was renting out the villages acquired as *jagirs* from Mughal rulers), and were able to exercise authority as *nattars* and *amuldars* (revenue administrators). Thus to bind the primary weavers, the power of landed property was used by the brokers and merchants. In 1770, after gaining political ascendency in the Carnatic, the British no longer allowed open competition in the weaving centres, and claimed a prescriptive right to the labour of the weavers. As a first step they tried to eliminate the role of middlemen, and hired agents to supervise the production, and to control the weavers. Most of these paid employees were again the *vellala* landowners and some were *chetty* merchants. But this did not alter the relations of production in any way. There are instances where weavers were forced by the Company to accept the advances in order to keep them in a state of perpetual indebtedness. They were flogged by the sepoys of the Company, and their freedom to seek employment was greatly curtailed.[38] During the last half of the eighteenth century the price of cloth increased by 27 per cent, but the increase may be attributed to the increase in the price of raw materials, and not the profit of the weavers.[39] The weavers' income remained unchanged and this led to major weavers' resistance movements in Cuddalore district.[40]

Trading in textiles received a setback following the industrial revolution in England during 1780 to 1820, and the import of cheap manufactured cloth led to further impoverishment of the weavers. Though the activities of hand ginning and cleaning of cotton and spinning into yarn were beyond any hope of recovery, handloom weaving persisted to some extent owing to its specialized products. In 1906 Francis observed economic bondage of handloom weavers in South Arcot.[41] In 1911, Sir Alfred Chatterton noted that between 1871 and 1911 the number of handloom weavers remained the same but due to the pressure of foreign competition, they had to produce a larger number of finished goods to earn a bare subsistence.[42]

In 1940 Venkatramani observed that the economic condition of weavers during the last 120 years had deteriorated further. Due to their indebtedness to the master craftsman the numerically large section of loomless weavers had no freedom to seek employment elsewhere.[43] The Report on the Survey of the Handloom Industry of 1954 estimated that out of the total borrowing of weavers in South

Arcot, 94.13 per cent was from moneylenders and master weavers. It further stated that

> The impoverished condition of the weaver does not permit him to resort to a bank or society as he has not got the security to satisfy the requirements of banks and societies to decide on the credit worthiness. Added to the regular deficit in the monthly budget the weaver has to get loans for social and religious ceremonies which is incumbent on him to perform. His low earnings, rising prices of essential requirements and obligations to meet the family responsibilities like weddings and other ceremonies plunge him deeper in debt ... The master weavers gladly helped the weavers with loans as it is an advantage to them in that the weavers get obliged to work under them and also they are able to profit by the high rate of interest charged on these advances.[44]

The Expert Committee Report on the handloom industry in Madras (1973), states that

> It was expected that the majority of the weavers would come under the cooperative fold. This has not happened and after twenty years of this policy only 30 per cent of the handlooms in Tamil Nadu are under the cooperatives and the bulk of the other 70 per cent are working for private producers while there is a small number of independent weavers.[45]

The above remarks clearly bring out the continuing strong hold of moneylenders on weavers, and the fact that the government policies are diluted by the operation of powerful forces. In 1982, it was decided by the Directorate of Handlooms to 'liberate' the handloom weavers from the clutches of master weavers and rehabilitate them by opening up new cooperative societies. It was estimated that around 54,000 handloom weavers were to be affected, and of this South Arcot accounted for 6,300.[46] This estimate has a number of limitations: the actual figure would be much higher as almost all the loomless weavers are in the clutches of master weavers and merchants.

To understand the concrete socioeconomic reality of the bondedness of labourers, both in agriculture and handloom

weaving as it exists today, an intensive study of a village in South Arcot district was undertaken.

A case study of bondage in a village of South Arcot district

Two distinct forms of bondage exist in South Arcot district—bondage among the hill tribes, and that in the plains. The most common form of bondage is the latter one, which is associated with 'untouchable' status whereas tribal bondage is not. (Appendix III gives a brief account of the nature of bondage among the hill tribes of South Arcot district.) The plains village of Chinnappa Naicken Palayam[47] was selected for an indepth study of the problem of bondage among agricultural labourers as well as weavers.

The village described: Chinnappa Naicken Palayam is situated in Cuddalore Taluk of South Arcot district and is twenty kilometres from Cuddalore town, the district headquarters. As mentioned earlier, this village, along with its neighbouring village, was granted as a *jagir* to the English East India Company by the Nawab of Arcot in 1762. The *jagir* was rented out for a fixed sum and in 1809 a notable native merchant took over its control. The family was well known for its trading activities as it was one of the three important merchant families supplying textile manufactures to the East India Company; it also owned several ships.[48] This testifies to the fact that land was the main source of control over the dependent population of weavers and agricultural labourers; even rich merchants invested in purchasing landed proprietorship, and competed among each other to become renters. Towards the close of the eighteenth century the English East India Company controlled a considerable manufacture of cloth in Chinnappa Naicken Palayam and its neighbouring villages. The scale of production seems to have been quite significant as the Company had to set up a European resident in this village to look after the business.[49] The exploitation of the weavers was so intense, that it led to sporadic resistance by them in this area.[50] Until the 'Madras Estate Abolition and Conversion into Ryotwari Act, 1948' was passed, the *jagir* was passed on to the descendants of the said merchant, and it was finally taken over by the government on January 3, 1951, when a new survey was introduced and the land was settled with the actual cultivators in 1959-60.

Social aspects: According to the 1971 Census. the population of the village was 5,899 in 1,174 households. Table 1 shows the inter-censal growth rate of population since 1901 in Chinnappa Naicken Palayam.

TABLE 1

INTER-CENSAL GROWTH IN POPULATION IN CHINNAPPA NAICKEN PALAYAM (1901-1971)

Year	*Population*			*Decennial percentage change (persons)*
	Persons	*Males*	*Females*	
1901	4589	2346	2243	—
1911	4797	2419	2378	4.5 (+)
1921	4341	2209	2132	9.5 (−)
1931	4383	2262	2121	0.96(+)
1941	4276	2233	2043	2.4 (−)
1951	4499	2297	2202	5.2 (+)
1961	5260	2707	2553	16.9 (+)
1971	5399	3033	2866	12.1 (+)

Source: Village Census tables.

Between 1911 and 1921 there was a sharp decline in the population growth amounting to almost 9.5 per cent. This fall in the rate of growth could be due to the influenza epidemic which broke out following World War I, resulting in widespread mortality throughout the country. During the same decade, South Arcot district experienced a 2.24 per cent decline in population. The high rate of decline in the village compared to the district figures could be partly explained by the outmigration of labourers to Ceylon to work in the plantations. Our field investigation revealed that since the 1930s a number of weavers' families have migrated to Ahmedabad to work as textile mill workers, as the avenue for migration to plantations was almost closed by 1930.[51] There was only a marginal difference in the population between 1931-1951 as the natural increase in population was balanced by the emigration of a number of weaver households.

Castewise distribution of households: According to our field survey conducted during March-July 1982 the village comprised 1,235 households: their castewise distribution is shown in Table 2.

Table 2 indicates that *vanniyars (padayachis)* are the largest community, constituting 44.5 per cent of the total households,

TABLE 2

DISTRIBUTION OF HOUSEHOLDS BY CASTE IN THE VILLAGE CHINNAPPA NAICKEN PALAYAM DURING 1982

Name of the caste	*Number of households*	*Percentage to total households*
vanniyar or *padayachi*	550	44.5
kaikola mudhaliar	250	20.2
adi dravidars (SC)	320	25.9
Others	115	9.4
Total	1235	100.0

followed by *harijans,* who made up 25.9 per cent. The *kaikola mudhaliar,* the traditional weaving community, follows, constituting 20.2 per cent of the total households. Other communities such as the *kusavan* (potters), *navidhan* (barbers), *vannan* (washermen), *yadavas, brahmans, chettiars,* and Muslims together account for 9.4 per cent of the total households. The *vanniyar* community is the most important agricultural community of this village, dominating the others because of its numerical preponderance. Most of the households in this community possess land though it is unequally distributed among them, and those who possess only rain fed dry lands supplement their income by engaging in weaving. All of them were occupancy tenants under the *jagirdar* who controlled the village until the abolition of this system and the takeover of *jagir* land against compensation by the government in 1951; the former *jagirdar,* who had urban sources of income and had been absentee for generations, has no links now with the village. With the new settlement all these occupancy tenants became direct cultivators under the government and some became owners of their respective holdings through purchase. As far as the weaving community is concerned, it is only in certain pockets that we find a high concentration of this community. The East India Company was interested in settling weavers near the ports to facilitate their export trade.[52] This village, being close to the sea port at Cuddalore, may have been one of the villages where the weavers were settled during the seventeenth century. The community comprises both the primary weavers as well as the persons who exploit these primary weavers as merchants and master weavers. The category of exploiters was able to acquire lands

by investing their surplus derived from textile manufacture. The majority of the primary weavers neither own their looms nor any land; while the condition of the *harijans* is pitiable, the majority being landless labourers engaged in both agriculture and the supplementary occupation of weaving.

According to the 1971 Census, of the 2,045 workers in this village, 28 per cent were cultivators, 33 per cent were agricultural labourers, and 24 per cent were involved in household industry. Given the limitations of the census figures, it reflects the high concentration of both weavers and agricultural labourers in this village.

Economy—land utilization: Of the total geographical area of 825.29 hectares, 127.27 hectares were not available for cultivation, while 84.5 per cent was available for cultivation. 520.25 hectares were sown during 1980-81 which corresponds approximately to 74.5 per cent of the area available for cultivation. Of this, 411.67 hectares were sown more than once. Paddy accounted for 37.16 per cent of the total cropped area followed by *cumbu* (millet crop) with 28.52 per cent. Commercial crops like groundnut, gingelly, cashewnuts and tapioca were cultivated in 28 per cent of the total cropped area (source: Village Agricultural Returns, 1980-81). Paddy and *cumbu* form the staple food of the people in this district. Though there is a sugar factory near this village (Parry and Co.), sugarcane is not cultivated due to lack of communication facilities. The River Gadilam flows through the boundary of this village and there is no bridge to get to the other side, and sugarcane growers have to incur huge expenditure in transporting sugarcane on a roundabout route. Sugarcane is extensively cultivated in the villages situated on the other side of the river as the soil is said to be ideal for it. Around 75 per cent of the cropped area was under irrigation during 1980-81. There has been a sharp rise in the number of bore wells during the last two decades and at present there are 130 ordinary and bore wells fitted with electrically operated pumpsets (source: Village Agricultural Returns, 1980-81). There were only 59 ordinary wells during 1959-60.

Landholding patterns: According to the village landholding register (Chittah register), there were 1,094 ownership holdings controlling 604.41 hectares of land. Table 3 gives the distribution of ownership holdings across different size classes.

Table 3 shows that the majority of the *pattadars* are small landholders with less than 0.5 hectares. That land distribution is unequal is clearly evident from the fact that 1.47 per cent of holdings

TABLE 3

PATTERN OF LAND DISTRIBUTION IN THE VILLAGE OF CHINNAPPA NACIKEN PALAYAM

Size class ownership holdings (in hectares)	*Number of pattadars*			*Percentage of total number of holdings*	*Percentage of area held by each size class*
	S.P.	*J.P.*	*Total*		
Upto 0.5	494	201	695	63.53	22.22
0.51-1.00	185	48	233	21.29	24.61
1.10-2.00	103	18	121	11.06	23.98
2.10-4.00	21	8	29	2.65	13.44
4.10 and more	14	2	16	1.47	15.75
Total	817	277	1094	100.00	100.00

S.P.—single *patta;* J.P.—joint *patta.*

(of more than four hectares) cover 15.75 per cent of the total area while 63.53 per cent of the holdings (in less than 0.5 hectares) cover only 22.22 per cent of the total area. This is in spite of the fact that the above figures did not cover the mortgaged area. The introduction of (electrically operated) pumpsets has resulted in a tendency to bring more areas under irrigated cultivation, and the dominant landowners in the village are interested in acquiring more land through mortgaging from the small and marginal farmers through money lending. *Harijans* are generally landless; a few *harijans* were granted small plots of land by the government as a welfare measure, but the land allotted to them is totally uncultivable. This fact is also verified from the revenue records. *Harijans* working as agricultural labourers were subjected to extreme forms of bondage.

Handloom weaving: The village has always been well known for its cotton handloom products. The industry declined in the late nineteenth and early twentieth centuries due to competition from mill-trade textiles, and was revived only after it began producing export oriented goods such as *lungies* and shirtings. Textiles produced in this village are exported to several countries including Singapore, Malaya, the USA, and Sri Lanka. There are several export agencies at Cuddalore and Madras with whom the local merchants have trading connections.

The production of cotton handloom textiles involve several grades of people, such as merchants, master weavers, and primary

weavers. The primary weavers are of two categories—dependent weavers and loomless weavers. In addition to this, cooperative societies for the production and marketing of handloom textiles have been set up which perform functions similar to those performed by a merchant, but in a collective manner. To understand production relations it becomes imperative to discuss briefly each of the groups involved in the production process.

Merchants or *kidangu* owners are at the top of the hierarchy, controlling nearly 75 per cent of the production in the village. There are nineteen merchant units in the village, of which three have their own dyeing units; there are both partnership and sole proprietorship concerns, each controlling between 50 and 300 weavers (including those residing outside the village). They supply processed yarn to the dependent weavers and master weavers, and pay them on a piece rate basis, wages for the woven cloth. Some of the merchants have their own looms installed in a shed and employ loomless weavers as bonded labourers. They also operate through master weavers who control large numbers of loomless weavers.

Each of the 40 master weavers in this village control between 15 to 50 loomless coolie weavers. These master weavers are intermediaries between the merchants and primary weavers. They advance money to loomless weavers and employ them to work with the looms installed in a large shed. Weavers are not allowed to seek employment elsewhere without clearing the advances. These master weavers also dominate the weavers' cooperative societies by taking membership in the name of different members of their families. They take 25 per cent of the wages paid to the weavers by the merchants, as their commission for organizing the production.

There are three Weavers' Cooperative Production and Sale Societies with a total membership of about 400 drawn from 130 households. It does not necessarily hold that only one person from a household can become a member of the society; some master weavers have as many as six memberships in the names of their family members. Master weavers use the cooperative societies for their own vested interests, and loomless weavers are barred from becoming members since the condition of membership is possession of a loom; so that they are forced to seek employment with master weavers. Cooperative societies obtain their yarn supply from Cooptex, an apex body for supplying raw materials and arranging for the sale of finished products.

Dependent weavers own between one to five looms; they work on the looms themselves and also engage loomless weavers as bonded labourers if they own more than one loom. Dependent weavers generally produce for the merchants on the basis of piece rate wages, but some of them also work for cooperative societies. Not only do they take advance payment from the merchants to meet their expenses, but also give cash advances to the bonded labourers. Dependent weavers are not bound to work only for those merchants who lend them money; they may take a loan from two or three merchants at one time and produce for all of them, allotting one or two looms for each merchant's work. Basically, they work for wages with their own looms but they are not owners of their produce.

Apart from these several groups of people, there are a few other categories who are involved in the processing of yarn for weaving. They are persons involved in warping (lengthwise arrangement of the yarn for weaving), sizing (starching the yarn to facilitate weaving), warp joining or twisting (joining the ends of the new warp to the ends of the finished warp before insertion into a loom) and dressing (designwise arrangement of the yarn). Before the yarn is warped it is wound on cylinders (locally known as *kuvalai*), a task for which women and children are usually engaged. There are nearly 30 warping units in this village owned by the traditional weaving community. Owners of warping instruments *(pavu alai)* are in charge of both winding and warping. Sizing is a laborious task, for which bonded labourers are usually employed. There are 38 sizing units in this village each employing nine to 12 bonded labourers. The owner *(panicker)* of the sizing unit *(pattarai)* is usually from the *vanniyar* community, while the labourers are both *harijans* and *vanniyars*. Warp joining or twisting is done mainly by women. Dressing is usually carried out by men. The merchant or the cooperative society makes sure that warping and sizing is done before the yarn is handed over to the weavers. Following this, other operations in the production process are the responsibility of the weavers. Wages paid to the weavers also include the labour charges for warp joining, dressing and so on. (See Appendix IV for details on wages paid to different operations in weaving.) Loomless weavers are at the bottom of the hierarchy in handloom weaving: invariably all of them are engaged as bonded labourers by master weavers, merchants and dependent weavers.

Socioeconomic conditions of bonded labourers in agriculture and weaving: In order to study the socioeconomic background of the bonded labourers a random sample of 75 bonded labourers involved in handloom weaving and 30 involved in agriculture were selected after enumerating the total number of bonded workers in the village. They were interviewed with a structured questionnaire, the sample representing one fourth of the total population of bonded labourers in each case. Casual labourers were excluded.

In all the cases debt was found to be the major factor leading to bondage. After taking the loan the individual pledges to work for the master or sends another member of his family to work for the creditor until the loan is cleared. Most of the bonded agricultural labourers are *harijans* while bonded weavers are equally distributed among *kaikola mudhaliars* and *padayachis*. In a few cases, bonded weavers were also drawn from other communities such as the Muslims. In order to see to what extent the phenomenon was hereditary, the occupation of the fathers of bonded labourers was also studied. In the case of agricultural bondage it was found that in 56 per cent of the cases the fathers also worked as bonded labourers, whereas 46 per cent of the bonded weavers (mainly *vanniyar* weavers) did not show prior involvement of the family in weaving. Pauperization in cultivation had forced the current generation to take to weaving.

Table 4 shows that the majority of the bonded labourers were between 15 to 40 years of age. This indicates that the masters preferred young, healthy people whom they could exploit to the maximum. The average age of bonded labourers is similar in both weaving and

TABLE 4

AGE DISTRIBUTION OF BONDED LABOURERS

Age group	*Number and per cent of bonded labourers*	
	Agriculture	*Weaving*
10-15	2 (6.67)	1 (1.33)
16-25	6 (20.00)	19 (25.33)
26-40	15 (50.00)	32 (42.67)
41-60	7 (23.33)	23 (30.67)
Average age	33.2	34.4

Figures in parentheses represent percentage to the total number of cases.

agriculture: it is 34.4 and 33.2 years respectively. The incidence of child bondage was higher in agriculture than in weaving; but in weaving, children were not paid for the work they did as it was assumed to be a part of the weaving process carried on by the paid adult.

Investigations reveal that the family size of over 60 per cent of the bonded labourers was small with less than five members. Sarma Marla has pointed out in his study that the small family size of the bonded labourers shatters the myth that the increasing poverty in India is a result of the rapidly rising population among poor classes. The average family size of a bonded agricultural labourer is 5.2, and of a bonded weaver, 4.4. The average number of dependents in each family works out to 2.2 and 2.1 for bonded agricultural labourers and bonded weavers respectively.

Magnitude of indebtedness: Table 5 shows that over 46 per cent of the bonded agricultural labourers had taken a loan of less than Rs 300, while 49 per cent of the bonded weavers were indebted to the extent of between Rs 300 to Rs 600. The majority of the bonded labourers had taken a loan amounting to less than Rs 600, the average being approximately Rs 450 with little variation between agricultural bonded labourers and bonded weavers. This indicates that the credit worthiness of the bonded labourer was not more than Rs 450.

TABLE 5

MAGNITUDE OF INDEBTEDNESS

Amount of loan (rupees)	*Number and per cent of bonded labourers to total*	
	Agriculture	*Weaving*
100-300	14 (46.67)	24 (32.00)
301-600	11 (36.66)	37 (49.33)
Over 600	5 (16.67)	14 (18.67)
	30 (100.00)	75 (100.00)
Average loan per labourer	Rs 435	Rs 465

Figures in parentheses indicate percentage to the total number of cases.

The survey revealed that approximately one third of the labourers were held in bondage for more than ten years by the same master, the average being 8.5 years in the case of bonded agricultural labourers. 45 per cent of bonded weavers remained for less than two years with the same master, highlighting the fact that weavers change their masters more often than agricultural labourers, since there is a high demand for weavers. Merchants compete with each other but are careful not to show this as it would lead to an increase in the bargaining power of the bonded workers. The practice of borrowing from a new master to repay the old master and thus become bonded to the new creditor is common among weavers. This happens when a weaver is in need of cash and finds someone who is prepared to lend a sum larger than that needed to repay the old master.

Among the reasons given for taking loans, marriage ranked highest among bonded agricultural labourers reflecting the persistence of a traditional phenomenon. Taking loans for consumption was quoted by 64 per cent of the weavers. Nearly seven per cent of bonded agricultural labourers and 19 per cent of bonded weavers borrowed money for repaying the old master's loan, only to become bonded to the new master. Loans taken for different reasons result in a specific obligation towards the creditor. Loans for consumption can be repaid, thus freeing the individual, while loans taken for marriage tend to lead to lifelong bondage and to impose a moral obligation on the part of the bonded labourer. Investigations revealed that only three landless labourers in the entire village were given loans for buying milch cattle by the local cooperative credit society. This lack of assistance from institutionalized credit sources repeatedly compels the poor to take loans from other creditors, which invariably lands them in bondage.

Wages paid to the bonded labourers: Bonded agricultural labourers are paid in kind; the harvest wage may go up to six bags of paddy (a bag of 75 kgs was sold in the local market for Rs 85 during our survey). In addition to this they were paid daily wages ranging between 25 paise to one rupee. This money covered *beedi* expenses. (Over 50 per cent of the bonded agricultural labourers were paid less than 50 paise per day.) They were also given two meals a day, each meal consisted of *ragi* gruel (locally called as *kali*). Once in a year bonded agricultural labourers were given a *dhoti* and a towel during the Pongal festival. After the paddy is

TABLE 6

DISTRIBUTION OF LOANS BY PURPOSE OF BORROWING

Purpose	*Number and per cent of indebted*	
	Agricultural labourers	*Weavers*
Marriage	15 (50.00)	5 (6.66)
Consumption	9 (30.00)	48 (64.00)
To repay old master's debt	2 (6.66)	14 (18.66)
Other social ceremonies	3 (10.00)	5 (6.66)
Other reasons	1 (3.33)	3 (4.00)
Total	30 (99.99)	75 (99.99)

Figures in parentheses represent percentage to the total.

winnowned, labourers are entitled to collect the wastage *(kalavasam)*, which is about one bag of paddy per year. Wages are fixed by the masters according to the age, physical fitness and ability, reliability and extent of indebtedness of the bonded labourers. The actual wages received by the agricultural labourers were quite different. Almost the entire kind annual payment is deducted towards the part repayment of the loan. As most of the bonded labourers are illiterate they do not maintain any accounts regarding the deductions. This enables the masters to maintain false accounts and recover several times the actual amount given as loans, over the years. It will be seen that the modal value of wages is between Rs 601 to Rs 800 per year, with over 53 per cent receiving this amount while another one third receive between Rs 800 to Rs 1000. This is far below the poverty line if we also take the number of dependents in the family into account, and thus these individuals are always in debt. In 3.33 per cent of the cases (mainly children), only two meals a day are given without any other wages.

Working conditions of bonded agricultural labourers: The labourers have to work for 12 to 16 hours a day performing all kinds of agricultural operations. At night they are required to sleep in the sheds where pumpsets are installed, and are expected to operate them as and when power supply is available. Power is usually available during the night. Apart from operating pumpsets

TABLE 7

WAGES FIXED FOR BONDED AGRICULTURAL LABOURERS
(ANNUAL VALUE OF DAILY CASH WAGES PLUS KIND WAGES)

Value of annual wages (rupees)	*Number and per cent of bonded labourers to total*
nil	1 (3.33)
Below 200	1 (3.33)
200-400	—
401-600	2 (6.67)
601-800	16 (53.33)
801-1000	10 (33.33)
	30 (99.99)

and irrigating the fields, the bonded labourers have to guard the crops both during the day and at night for at least two months before the harvest. The daily wages paid to a bonded labourer work out to much less than that of the casual labourer (see Appendix IV); they have to do about double the amount of work done by the casual labourer.

Wages paid to bonded weavers: Bonded weavers are paid piece rate wages (see Appendix IV), and the total earnings depend on the ability of the worker. The annual cash income of a bonded weaver is found to vary between Rs 1,020 to Rs 2,700: they are not given anything else in kind. If the amount spent on the two meals given to bonded agricultural labourers is added to their wages, it closely approximates the wages of a bonded weaver. In other words, the economic status of bonded agricultural labourers and bonded weavers is found to be similar.

Asset structure of bonded labourers

Housing: 83 per cent of the bonded weavers and a hundred per cent of the bonded agricultural labourers interviewed live in small thatched houses, while 17 per cent of the weavers live in tiled houses. 20 per cent of the weavers do not own their houses. 40 per cent of the agricultural labourers live in huts constructed on sites owned by their masters. This is yet another obligation towards their masters

which adds to the vicious cycle of bondage. Weavers require adequate space for installing a loom in their houses though the cost of installation does not exceed Rs 500. As more than 80 per cent of the weavers live in small huts, they are unable to instal looms in their homes and their dependency persists.

Landholdings: Out of 75 bonded weavers interviewed, only eight owned rain fed dry lands ranging from 0.1 acre to one acre. In all the cases the land was allowed to remain fallow for want of resources to invest in cultivation. The agricultural labourers interviewed did not own any cultivable land, 40 per cent did not own their house site while 60 per cent were owners of their homestead which varied between 0.02 to 0.05 acres (two to five cents).

None of the bonded labourers interviewed were aware of the Bonded Labour Abolition Act (1976), and no one in the village had been released under the provisions of this Act.

Nature of masters

Masters of bonded agricultural labourers: 50 per cent of the masters were from the *padayachi* community while 16.66 per cent were from the traditional merchant community, the *chettiars.* The others belonged to the *kaikola mudhaliar* community. 50 per cent of the masters were only cultivators while 13.33 per cent were involved in both cultivation and weaving. Less than seven per cent were textile merchants who had invested in land as well. Nearly 17 per cent were master weavers who were also involved in agriculture. This highlights the link between weaving and agriculture. Almost 50 per cent of the masters owned less than five acres but over two acres of land, while 23 per cent owned between five to ten acres; the remaining owned over ten acres. The group which holds more than ten acres of land holds the right to grant the political sanction for keeping bonded labourers. Some of the big landlords (we were told that one *padayachi* landlord of this village has over a hundred acres of land spread in and around the village), employ *harijans* as bonded labourers. This is used as an alibi by the small landowners of the same caste to employ bonded labourers. All masters invariably own pumpsets ranging from one to five in number.

Masters of bonded weavers: Only 10.67 per cent of the masters belonged to the category of dependent weavers. Over 85 per cent were master weavers.

The facts outlined so far have provided a background of the socioeconomic characteristics of bondage in both agriculture and weaving. A few case studies will help to form a clear picture of the bonded labourer's life.

Case Studies

Agricultural bonded labourers : 1. Respondent A is 30 years old and belongs to the *adi dravida* community (scheduled caste). He is married and is working with a *padayachi* master in lieu of a loan which his father had taken when he was only 13 years of age. At the age of 13 he was forced to work as a cow boy. On attaining maturity (20 years) his master celebrated his marriage and spent a hundred rupees to cover the expenses—a traditional obligation of the master to the bonded labourer. In return for this favour the bonded labourer is expected to serve the master for the rest of his life. While other debts can be paid off and the individual gains his freedom, there exists an understanding that once the master spends money on the marriage of a bonded labourer he gains complete control over the individual until his death. Although he was promised six bags of paddy every year (worth Rs 360) and 36 paise a day, he was given only one bag of paddy a year and 36 paise daily. The master claimed that the interest on the amount spent on the latter's marriage was deducted from the annual payment; over the years a large sum is annually deducted but the debt is never cleared. In reality the master realizes three times the loan (Rs 300, the value of five bags of paddy) as annual interest alone, leaving the principal unchanged. Thus the amount realized over the years exceeds the amount spent by the master on the marriage ceremony by several multiples. Three years ago A protested against these deductions and stopped working for a few days, demanding one rupee per day and six bags of paddy a year. The master punished him severely for this. He was tied to a tree outside the master's house and brutally beaten with shoes. He was forced to surrender six cents (0.06 acres) of his homestead land and was pressurized to sign a document which stated that the land had been sold to the master. Terrified, he began working again at the same meagre wages that he was being given earlier.

His day begins at five in the morning and he works for 12 to 13 hours a day, and sometimes late into the night. Besides ploughing

the fields, he has to repair the bunds, drive the bullock cart loaded with fertilizers and manure, and carry produce to the market. He helps in all other jobs such as harvesting and weeding. Before the crops are harvested he has to work as a night watchman, and for all this he is paid only 50 paise a day (a marginal increase having been granted over the earlier cash wages), and the kind wages are still being deducted towards the immortal loan. He knows that he is destined to work for the master for the rest of his life, and feels that the casual labourer is better off than him. Like the others in his position he too is illiterate. His wife who works as a casual labourer, earns between Rs 2.50 to three rupees a day and supports the family. The master, a rich peasant, owns 26 acres of land, four pumpsets, four pairs of plough bullocks and six bonded labourers.

2. Respondent B is a 45 year old member of the *adi dravida* community; he has spent 24 years of his life serving a *chettiar* master. He works in lieu of a loan which was taken by his father (Rs 300), and another (Rs 200) taken by him. His son was pledged to another *chettiar* landowner two years ago against a loan of Rs 500, which the master insisted was Rs 1,000. His son is paid one rupee per day and is given two meals. His wife is free to work elsewhere, but only if there is no work on her husband's master's field. His other two sons will also join the profession. He works for 16 hours a day and is given two meals, one rupee per day, and three bags of paddy every year. His wife earns three rupees per day and works for eight hours a day, but she does not manage to get more than 90 days of work in a year. The total income of the family including payment in cash and kind, amount spent on meals and clothes works out to be approximately Rs 2,000 per year. The principal amount has not changed in the last 24 years, and there seems no way of repaying the loan. His son is also destined to spend his days in bondage. The respondent's only possession worth mentioning is a thatched hut on a piece of land 0.02 acre in size.

Bonded weavers: 1. Respondent A is a 55 year old member of the *padayachi* community; he lives in a hut with his wife and daughter and has been weaving for the last 35 years. Earlier he had his own loom, but he sold it and became bonded to a master weaver six years ago. He took a loan of Rs 300 for consumption from his master who owns cultivable land, 34 looms and has 34 bonded weavers to serve him. He works eight hours a day for 25 days in a month, and is not paid for the days he does not work. He weaves five pieces of *lungi*

(16 metres each) in a month and is paid Rs 45 per piece by his master. The market rate of wages for the same work is Rs 62 per piece. The amount borrowed is deducted from his wages. He has to manage within the amount left after deduction. Becoming a member of the cooperative society is out of the question as he is a loomless weaver, and he cannot seek employment elsewhere without repaying the loan. His wife works as an agricultural casual labourer and earns three rupees per day, but manages to get work for only 60 days in a year.

2. Respondent B is a 22 year old labourer who comes from the traditional weaver's community and attended school till the fourth class. Of the five adults and two children in the family only three earn. His father and mother are too old to do any work. He joined this profession four years ago, and works as a bonded weaver in lieu of a loan of Rs 250 taken for consumption purposes. He works nearly ten hours a day for 25 days in a month. His master owns 27 looms, and in an effort to recover his loan, he regularly deducts money from the respondent's meagre income of Rs 180 per month.

Handloom textile merchant: 1. Respondent C is from a traditional weaving community *(kaikola mudhaliar)* and is 55 years of age. He has been in this profession for the last 30 years. His company is a sole proprietorship concern producing *lungies* for an export house. He is supplied yarn by agents of various spinning mills; dyeing is done at Cuddalore and elsewhere as he does not have his own dyeing unit. He has, at present, installed 39 looms at the back of his house and has employed 39 loomless weavers to work on these looms. He also controls 50 loom owning dependent weavers to whom he supplies processed yarn and gets it woven on a piece rate basis. In all the cases he has given an advance of between Rs 300 and Rs 500 per weaver. The weavers whom he has directly engaged have no freedom of employment elsewhere, unless they clear the advance. He owns a huge house and has three acres of land (this area is understated), with wells and pumpsets.

Master weaver: 1. Respondent D is a member of the *vanniyar* community, owns 34 looms and has 34 loomless weavers in his employ. He has given each weaver an advance of Rs 300 to Rs 800. He extracts work from the weavers on behalf of the three local merchants. He is a member of the local cooperative society, and deducts 25 per cent of the wages paid by the merchants and the cooperative society as his commission and pays only the rest to the weavers who work for him. He also gets the amount he pays for pre-weaving

operations as the weavers under him only do the weaving: this has the double advantage of increasing the production as well as his commission. Weavers working under him cannot work anywhere else without repaying the loan. He owns a few acres of land with irrigation facilities, and no member of his family engages in either weaving or in agriculture, the family income being derived solely from the labour of hired workers.

Dependent Weavers: 1. Respondent E is a member of the *vanniyar* community, is 47 years of age and has studied up to the fourth class. He owns three acres of land and is involved in both weaving and agriculture. He borrowed a sum of Rs 900 from three local merchants and bought five looms which he installed at the back of his house. He is a member of the local cooperative society, and he works for three merchants as well as the cooperative society. Assisted by his son, he works on two looms and has employed three bonded labourers to work on the other three looms. He has advanced loans (Rs 200 to Rs 300) to the labourers who have been working with him for the last three years. He takes 25 per cent of the rates paid to him by the merchants and the cooperative society as commission, and the rest of the money is paid to the bonded weavers.

The material presented here has sought to highlight the existence of a servile population in Thondaimandalam; this is not a recent phenomenon, but dates back to the period before British rule in India. A striking feature of the early medieval period was the involvement of praedial labour in cultivation and craft production, whose servile status was an integral part of the social system which was controlled by landowners and merchants. The British colonizers, while they accelerated the growth of textile production by increased trading, did nothing to alter the basic relations of production. They did not wish to antagonize the powerful traditional dominant social forces with whom they had to collaborate for establishing a viable base for revenue extraction. The enactment of the Slavery Abolition of 1843 failed to propose effective measures to abolish the system of slavery. The introduction of legal categories of bourgeois property relations, while simultaneously colluding with the feudal forces in the country, only helped to reinforce the persistence of precapitalist production relations in agriculture.

The very fact that the Indian Government had to promulgate the Bonded Labour Abolition Act in 1976, more than 130 years after the abolition of slavery in 1843, testifies to the fact that the servile population persists. The persistence of the servile status and

bondage of a section of the population through the ages in spite of numerous legal enactments shows that the basic agrarian structure generating servile relations requires to be changed through radical land reforms before this system can be abolished. It is also very clear that ritualistic legislation can never emancipate this toiling section as not one individual among the bonded labourers interviewed was even aware of the Bonded Labour Abolition Act of 1976.

Appendix I

Eruvellipet

Copy of a *Padiyal* Indenture (translated from the Tamil)

Padiyal Advance (Loan) Bond executed on June 23, 1916, to Mr ..... Reddiar, son of Mr ..... Reddiar of Eruvellipet, Tirukoilur Taluq, on the personal security of ..... of Eruvellipet by (1) ..... son of ..... and (2) ..... son of ..... both of Alankuppam.

Received cash this day towards marriage expenses by No. 2 of ourselves: Rs 21.11.0; due already from No. 1 as per acknowledgement: Rs 4.5.0. Altogether due to yourself by both of us Nos. 1 & 2, Rs 26.

It is hereby agreed that in lieu of payment of interest on this sum of Rs 26, No. 2 of ourselves will serve as *padiyal* under yourself receiving the customary dues of *kalam*,[1] *kalavasam*,[2] and *lakkapanam*.[3]

If any inconvenience is felt by No. 2 which prevents his discharging his duty as a *padiyal*, No. 1 will discharge that duty without fail. If both of us stay away from work, it shall be the duty of the person standing surety for us to produce both of us before you. If both of us do not agree to work, we shall, besides being liable to punishment under Act 13 of 1859,[4] make good any loss in the crops incurred thereby.

1. *Kalam* consists of grains broken and mixed with dust and left on the threshing floor, after threshing, winnowing and measuring out produce.
2. *Kalavasam* is the annual remuneration in kind, usually 60 Madras measures of paddy.
3. *Lakkapanam* is a corrupt form of *rokkapanam* and is the cash paid amounting to about one rupee per annum.
4. The Workman's Breach of Contract Act is perhaps what is being referred to; this Act provided for penalties, including imprisonment, on labourers who had received advances from their masters but who had failed to discharge their duty as agreed upon. The Act has since been repealed in 1925.

Appendix II
Bondage Among Hill Tribes

The entire Kalrayan Hill region of the district was a dark world for outsiders until 1975-76, when with the effort of the administration the area was opened up. It was under the control of three *jagirdars* called Ariya Goundan Jagir, Jadaya Goundan Jagir and Kurumba Goundan Jagir. According to a socioeconomic survey of the Kalrayan Hills (made by Sampath Kumar, Special Deputy Collector for the administration of Kalrayan Hills), the association of the Kalrayan Hills with the *jagirdars* may be traced back to the Emperor of the Vijayanagara Kingdom, who is supposed to have given them the right to enjoy the land and to collect taxes from the hill tribes. The tribals are called *malayalis.* According to Sampath Kumar's report, the total number of households in these three *jagirs* works out to 5,828, and the total population is 28,798. Out of this, the hill tribes constitute 24,196 (84.9 per cent) and the non-hill tribes constitute 4,602 (15.9 per cent). The cultivators and agricultural labourers constitute 26.4 per cent and 31.7 per cent respectively

These three *jagirs* were divided into nine *nadus* (nine distinct geographical regions, constituting a total of 105 villages. Each of these nine *nadus* was under the control of a *nattar* (revenue collector) assisted by a *moopan.* All of them were appointed by the *jagirdars.* These posts were hereditary. There were also village menials known as *goundans* and *kanganis,* appointed by the *jagirdars.* They extracted different taxes from the tribals, such as the *kalappai vari* (plough tax), *kavali vari* (bachelor tax), *vazha vetti vari* (widow or widower tax), *koduva* tax (tax for cutting trees and woods), *pillu vari* (tax for green manure), *kudi vari* (tax for citizenship, house tax), *punal kudu vari* (tax on shifting cultivation), and goat and cattle tax.

In addition to these taxes each village had to deposit Rs 100, five kgs of tamarind fruit, two bags of gingelly, two bags of food grains, two litres of *ghee* and ten goats to the *jagirdars* on festival days. The tribals were forced to sell the forest produce they collected to the contractors and traders specified by the *jagirdars.* These contractors would pay a lump sum to the *jagirdars* and thus 'obtain permission' to compel the tribals to sell their forest produce at extremely low rates. The hill tribes were indebted to the moneylenders for the payment of various taxes and fines imposed by the *jagirdars.* The moneylenders appointed agents known as *rogi* to collect the

debt amount. They beat the tribals, snatched their cattle and other property, and even exploited their women. Whenever these *rogis* came to collect the debts they had to be fed with rich non-vegetarian food and paid transport charges ranging from Rs 50 to Rs 100. The *jagirdars* employed a few *harijans* as hirelings to collect taxes through intimidation. The tribals despise the *harijans* as inferiors and consider their touch defiling; they even feel that *harijans'* touch would incur the wrath of their village gods, resulting in famine, drought and other evils. Hence, until they were released the tribals would try to clear the taxes even at the cost of an usurious rate of interest, fearing the touch of the *pariahs (harijans).*

The administration has released a total number of 24,945 bonded labourers from the *jagir* who were said to be bonded, under various forms such as customary bondage, compulsory contribution of labour to *jagirdars* and bondage due to moneylending. Out of the total 24,945 cases of bondage the distribution under different forms of bondage were as follows:

Types of bondage	*Total number of cases*	*Percentage of total cases*
1. Customary bondage	15252	61
2. Forced labour to *jagirdars* (farm sevants)	6398	27
3. Bondage due to moneylending	3295	13
	24945	

The tribals in the course of time were deprived of the best portion of their land by the moneylenders. 'Theoretical liberation' did not stop the exploitation of the tribals. During our visit to this area we were told by the tribals that they are still in the clutches of moneylenders.

Appendix III

Rates and Wages Paid for Various Operations in Handloom Weaving

(Note: Wages for all the operations in handloom weaving is paid on a piece rate basis. The local basis for the piece rate is known as *pavu,* which represents the warp length—16 metres in the case of *lungi* weaving and 18.5 metres in the case of shirting cloth.)

Wages paid for winding the warp yarn: This operation is locally known as *kuvalai izhaithal.* Winding is done only by women and they are paid Rs 1.50 per *pavu.* Each woman can wind three *pavus* per day if she works for ten to 12 hours depending on her age and capacity to work.

Warping : This is the lengthwise arrangement of yarn, locally known as *alai ottudhal.* This operation requires a special instrument and an adequate space to instal it. Hence there are only 30 such warping units in this village. The rate paid for warping is also similar to that of winding, that is Rs 1.50 per *pavu,* but the capacity to work is more, given the availability of the instrument. Warping can be done at least for 15 *pavus* per day with one labourer working for ten hours.

Sizing : This refers to the starching of yarn locally known as *pavu thoyudhal.* Sizing is done in an open space under a tree. This operation also requires a capital of Rs 1,000 to Rs 1,500 for installing the instrument. There are 28 such sizing workshops which are at present catering to the needs of merchants and cooperative societies. For sizing a rate of Rs 5.75 per *pavu* is paid. A sizing unit with a minimum of eight labourers can size 15 *pavus* of yarn per day. In this operation the labourers are mainly employed as bonded labourers by the owners of the sizing units, by paying them cash advances. Most of the labourers involved in this operation are drawn from *harijans;* owners are from the *padayachi* community. The labourers are paid three rupees to six rupees a day depending on their age and ability to work. Child labour is also used in this occupation.

The materials required for starching the yarn, such as starch (rice flour) and oil are to be borne by the sizing unit owners within the rates paid to them. After sizing, the yarn is handed over for weaving. The rates paid for weaving includes the wages paid for other pre-weaving operations such as twisting or warp-joining, dressing, and weft yarn winding.

The rate paid by the cooperative society for weaving per *pavu*

(16 metres) of *lungi* is Rs 64, and by merchants Rs 60; in the case of shirtings it is Rs 52.50 per *pavu* (18.5 metres) and Rs 50 per *pavu* respectively. Out of this ten rupees per *pavu* is spent for other pre-weaving processes like twisting (three rupees per *pavu*), dressing (five rupees per *pavu*) and weft yarn winding (two rupees per *pavu*). After spending on these operations, the actual weavers are paid only 75 per cent of the remaining amount and 25 per cent is deducted as a return to the ownership of looms. Besides this, deductions are also made from weavers' wages towards the loan taken from the employer. Normally each weaver can produce five *pavus* of *lungi*, or 5.5 *pavus* of shirting per month, working for at least ten hours a day. This implies that the monthly earning per weaver is only Rs 202 and Rs 217 respectively, depending on whether he is working for a merchant or the cooperative. From this, part of the initial loan (ranging from Rs 300 to Rs 800), is deducted to leave a considerably lower disposable income in the neighbourhood of Rs 180.

The wholesale selling price of five *pavus* of *lungi* cloth in this period was Rs 1,000 (at Rs 200 per *pavu*). The weaver's remuneration thus amounts to only 20.25 per cent of the gross output value. The non-labour costs of production amount to Rs 561.25 for five *pavus*, so that value added in production is Rs 438.75. The weaver's wages thus amount to 46 per cent of value added, 54 per cent constituting profit to the merchants. The ratio of profits to wages is thus 117 per cent. It would be even higher if the retail selling price is taken rather than the wholesale price.

Below we give the cost of production per *pavu* of *lungi* cloth, on which the above calculations are based.

Item of Cost	*Rupees*
1. Yarn (60 × 40 counts) for 16 metres of width 50 inches	66.00
2. Dyeing, winding, warping and sizing operations	36.25
3. Twisting, dressing, weft yarn winding	10.00
4. Wages	40.50
Total	152.75
5. Wholesale selling price per *pavu*	200.00

Appendix IV

Wages Paid For Various Agricultural Operations to Agricultural Casual Labourers (Daily Wages)

Operations	*Working hours*	*Wages paid*	*Remarks*
Ploughing with labourers' own bullocks	6 am to 2 pm	Rs 10 plus 2 meals	Only males are involved
Ploughing with employers' bullocks	6 am to 2 pm	Rs 6 plus 2 meals	Only males are involved
Spade work and all other operations[1] except harvesting	8 am to 6 pm with one hour lunch break	Rs 6 plus 2 meals	Only males are involved
Transplanting the seedlings	8 am to 6 pm with one hour lunch break	Rs 3	Only females are involved
Weeding	8 am to 6 pm with one hour lunch break	Rs 3	Only females are involved
Harvesting by males	8 am to 6 pm with one hour lunch break	6 litres[2] of the grain harvested	Only females are involved
Harvesting by females	8 am to 6 pm with one hour lunch break	5 litres of the grain harvested	Only females are involved

1. Other operations include uprooting tobacco, groundnut sowing and fencing.
2. The value of one litre of grain accounts for roughly one rupee.

Note: Besides economic exploitation, the *harijan* agricultural labourers are also subjected to social exploitation. Caste discrimination, for instance, is significant in this village. The food given to agricultural casual labourers is similar to that given to bonded labourers. Also, while female labourers are paid far less than the males, they are not given any food unlike their male counterparts.

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5

BONDAGE IN A GREEN REVOLUTION AREA:

A Study of Brick Kiln Workers in Muzaffarnagar District

Suneet Chopra

Muzaffarnagar district presents, from the point of view of developing capitalism, a particularly favoured position. Situated in the Upper Gangetic Doab, watered by the Jamuna and the Ganga, it is part of the northern alluvial plain.

> Few districts are so well protected by canals as Muzaffarnagar. Almost every part of the upland area is commanded, the western portion by the Eastern Jamuna canal, the centre by the Deoband branch of the Upper Ganges canal, and the east by the latter main canal and the Anupshahr branch. More than 1000 square miles are commanded and 450 could be irrigated annually.[1]

Work on the Eastern Jamuna canal was begun in the 1820s and completed in 1830. The Ganga canal began functioning in 1854, while the Anupshahr branch, a part of the famine relief work of 1860-61, and the Deoband branch in the 1880s, completed the main task of buttressing the district against famine. The canal system, in fact, was directly linked to famine relief. The Eastern Jamuna canal was completed after food scarcity was felt in 1827. The famine of 1837 gave a boost to work on the Ganga canal. This was the last time the district actually felt a scarcity, and according to official reports, 'since 1859 the district has practically escaped famine, and high prices

in 1877, 1896 and 1900 were a source of profit to the agricultural inhabitants'.[2]

There has been a steady progress in the commercialization of agriculture: this is clearly indicated by the more rapid increase in the area under sugarcane cultivation, from 71,093 acres in 1901 to 2,25,449 acres in 1961; while the area under millet, the poor man's staple food, was reduced from 34,226 acres to 31,669 acres. Wheat, a staple food crop of all classes in the area, also registered a decline from 2,80,259 acres in 1901 to 2,78,522 acres in 1961. The per capita production of cereals and pulses in the district was only 70.8 per cent of total agricultural production, in comparison with the Uttar Pradesh average of 79.8 per cent, while sugarcane accounted for 47 per cent of the total cropped area. Also, the value per acre of the crop in 1961 was Rs 315, the highest in the western district of Uttar Pradesh.[3]

The conditions of production too, favoured the farmers as noted in a recent study:

> The archetype of the independent *gur* (raw sugar) producers were the substantial and prosperous peasants of Meerut and Muzaffarnagar districts in Western UP. Here cane was cultivated and *gur* manufactured without the characteristic system of usurious advances. A high quality edible *gur* was produced by the peasants and exported to the *gur* markets of UP and Punjab without any further refining.[4]

In fact, between 1866 and 1890, only 64,000 maunds of refined sugar were exported from Muzaffarnagar by rail, as opposed to 6,78,818 maunds of raw sugar.[5] The peasants directly marketed their raw sugar and the farmer got the market value of the raw sugar without the intervention of middlemen and usurious sugar manufacturers as in the other parts of Uttar Pradesh, and even in the neighbouring areas of Bijnor and Rohilkhand.

The pattern of landholdings was also favourable for the development of capitalism in agriculture, as was the composition of the class of cultivators who owned most of the land. In 1882, the average occupancy tenant held 8.6 acres while tenants-at-will held on an average 7.2 acres, the highest average holdings in Uttar Pradesh.[6] In 1946-47, 37.9 per cent of the revenue came from proprietors who

paid between Rs 25 and Rs 250, while another 26.3 per cent came from those paying revenue less than Rs 25; while only 4.3 per cent of the revenue came from estates paying over Rs 10,000 each. This is borne out by L Alaev, the Soviet scholar who noted that

> ... most of the land was in the hands of communities of agricultural castes, whose members did not themselves keep aloof from agricultural labour.[7]

Apart from this there was an adequate supply of agricultural labour to work on these farms.

> In 1872 the landless male labourers in Muzaffarnagar numbered 36.5 per cent of the total male agricultural population. If we take into account the labour of women and children, and also the fact that many landholders and some tenants did not engage in physical labour, the actual share of the agricultural labour performed by the landless population evidently exceeded 40 per cent. In this respect Muzaffarnagar had a higher level of landlessness compared to many other districts, for which an average of about one-third of the physical labour in agriculture was performed by landless labourers who were dependent on the proprietors in one way or other.[8]

The 1881 Census figures showed that the artisan castes were in fact labourers, even if they partially retained their caste occupation. At the same time, S N Martin, a British official in the district, noted in 1862, that under the colonial government's policy 'the wealthy capitalists alone have been able to hold out but the *bhaichara* (clan-held) villages have been greatly depressed', while old non-cultivating intermediaries like the *barah saiyids* were also losing ground.[9]

There appears to have been no ostensible bar with regard to the provision of raw materials, supply of labour, or the policy of the government to the development of capitalism in agriculture. But the prevailing relations between the labourer and the employer are worth noting. Alaev points out that

> in North India in the nineteenth century the sporadic employment of hired labour was vital *to all farms without exception*

> for their normal functioning. This served as the economic foundation of the existence of enslaved labour, which was frequently on a scale larger than was dictated by purely economic expediency.[10]

Despite the increasing profits from commercial agriculture, traditional patterns were still seen repeating themselves, and Choudhury Mukhtar Singh, an MLA from Meerut, laments that 'high caste people do not like the idea of taking to the plough *and they are using labour where they were doing things themselves previously'*.[11]

In fact, T Fortescue notes that in the Delhi region in 1820, labourers

> are considered a kind of exclusive property belonging to the owner, and a species of fixture on the land which they have been accustomed to cultivate, that is, no other sharer can entice them away, although they are at liberty to remove.[12]

Similar relations are said to have been obtained in Saharanpur and Muzaffarnagar, according to the revenue records of 1822-33.[13] In fact, Stokes in his study of the traditional agricultural patterns of the area notes that

> in the Doab ... the Jats had always made use of substantial *chamar* praedial labour and had never enjoyed almost exclusive tribal monopoly of population.[14]

Such enslavement was more prevalent in 'the Western districts' of Uttar Pradesh,[15] where

> true *bhaichara* (clan-held) tenure was rare, that is to say, a tenure in which the entire agricultural society apart from the service castes, belonged to a single group bound in the web of kinship, and which made no use of a subordinate tenantry or tied labour class.[16]

The poorest agrarian strata, even among cultivators, were, according to the evidence of Rao Saheb Abdul Hamid Khan, a local landlord, in the early twentieth century,

> but the labourers of the moneylender, the whole harvest is generally given on to him, to reduce debts at a ridiculous rate. They labour for him, perhaps drag on a weary life in the impossible attempt to pay off an old debt.

Also apart from some old marriage customs there was 'the money compensation for a bride',[17] the traditional source of bondage; and also, recurring deaths of animals, the cost of litigation and extortions of police and petty officials.

Thus compulsion can be seen as a traditional feature of the system. It was the traditionally dependent castes—weavers, stonemasons, *chamars*, potters and others—who provided the bulk of the labour force. Chicherov, in his study of the eighteenth century craft production notes:

> The main characteristic features of the feudal structure of production were compulsory labour, regimentation by the state of the remuneration of labour, which in many cases was combined with the arbitrary action of the feudal lords; the supply [of] raw materials not through purchase on the market, but mainly on the basis of feudal regimentation and monopoly.[18]

Artisans also appear to have worked under conditions similar to those of the agricultural labourer. The Report of the Royal Commission on Agriculture refers to 'economic servitude' as being similar to agrarian bondage in 'small industries where artisans in certain trades work for life for capitalists to whom they are indebted' and points out that

> the debt is practically irredeemable and the artisan is transferred from capitalist to capitalist in a manner which practically amounts to sale and purchase.[19]

Traditionally too, skilled artisans were enlisted for work at these shops by methods of non-economic feudal coercion. Their labour was strictly regimented and they could not leave the factory *(karkhana)* on their own. They were obliged to do the work they were given while the payment for their work was determined by the feudal lords.[20] Similar relations were observed in the building trade, of which brick-makers were a part:

> the peculiar blending of elements of hiring and feudal coercion could be observed in India in the sixteenth to eighteenth centuries also in other kinds of production, notably in the construction of castles, mosques, columns, gates, town walls and buildings, caravan serais, fortresses, bridges etc.[21]

Thus it would appear that these relations were never restricted to the sphere of agriculture alone but were a pervasive feature of the organization of all production in the precapitalist period.

A recent survey of bonded labour estimates that 10.4 per cent of the agricultural labour force of Uttar Pradesh is still bonded, and 74 per cent of these are scheduled castes, 14.2 per cent backward classes, and an unusually high percentage of 7.4 per cent Muslims.[22] This is not surprising, considering that they are mainly descendants of craftsmen who traditionally worked under these conditions in the medieval *karkhanas*. The working unit, a durable institution, consists of two to three adults with as many as four children.[23]

Another outstanding feature is that backward landlord-dominated districts like Ballia and Hamirpur have a 'very high' incidence of bondage as do relatively agriculturally advanced districts like Bijnor and Bareilly; while Etah, Jhansi, Mirzapur and Basti share a 'high' incidence of bondage (10,000-20,000 bonded labourers each) with those districts traditionally associated with the Green Revolution—Muzaffarnagar, Meerut and Saharanpur.[24] This may be inconsistent with the ideas people have about the classical liberating nature of capitalist development, but it is consistent with the material cited earlier, especially with regard to the prevalence of a form of traditional communal slavery in Western Uttar Pradesh.

Bondage is recognized by the people who use the term *bandwa mazdoor* or *bandhak* for such forms of slavery. In the sphere of agriculture, 81.4 per cent are *harijans* or Muslims, and another 14 per cent backward classes.[25] The survey noted that 'the labourer's bondage in Uttar Pradesh is particularly severe because once in bondage he can never succeed in freeing himself'.[26] Four per cent of the respondents were bonded for 40 to 55 years, 75 per cent were bonded for more than three years, and ten per cent did not even know what had led to their bondage initially. Also, the survey report stated

> the fact that a lot of bonded labourers are employed in the master's home/household demonstrates a certain antiquity of the masters in Uttar Pradesh.[27]

Over three-quarters of the masters belonged to the upper castes, while 17.5 per cent were from the backward castes, 3.6 per cent were Muslim landlords, 0.6 per cent Sikhs and 0.4 per cent scheduled

castes. Irrespective of the caste, the masters were mainly landlords and farmers, 87.3 per cent of them subsisting entirely on agriculture, 7.3 per cent earning additionally from contracts, business or small industry (no doubt adding moneylending to their activities) and 4.6 per cent were in government service. The average number of bonded labourers held by one master was relatively high in Uttar Pradesh (3.7), second only to Karnataka (4.2).[28]

The bonded labourers were predominantly landless or owned a negligible amount of land—68.3 per cent owned no land, 23.3 per cent owned up to one acre and 4.4 per cent owned between one and two acres. Not only did the masters generally not allot land even for homesteads (64.2 per cent) but 5.7 per cent of the labourers declared that they had lost up to five acres of land to their masters, the average being 0.3 acres.[29] The majority were bonded because they had taken loans (93.5 per cent) though some (37.2 per cent) had received land allotments also, and 23.3 per cent said it was a traditional obligation.[30] However, economic factors do play a role in the system of bondage in Uttar Pradesh, and the survey found that the amount of loan taken is relatively high.

Also, one can distinguish a 'top five per cent who take Rs 2,000 to Rs 7,000' as an initial loan.[31] Bonded labour on the brick kilns comes in the latter category, as the owners reap enormous profits from the industry. It is fairly clear that bondage in Uttar Pradesh represents a traditional relation based on the land and credit monopoly of certain classes, and the landlessness and lack of cash of others. That the number of those bonded may have swelled with the growing impoverishment of small and marginal farmers does not imply that the institution of bondage has completely altered its pre-capitalist character. In fact, 81.1 per cent of the masters own no modern machinery at all, while only 17.6 per cent own a tractor; human labour continues to be the predominant means of cultivation.[32]

Yet another feature reinforces the view that this relation is a traditional one: the bonded labourers in Uttar Pradesh are not so poor that they do not own animals. 'About 50 per cent of the families have at least one big animal (cow, bullock etc.)'[33] Moreover,

> there is nevertheless a group which can be called highly-paid bonded labourers; about ten per cent of all bonded labourers belong to this category. Their annual wages are above Rs 900, while the average for bonded labour in UP is Rs .335 per

annum. One third gets less than Rs 200 per annum, while all labourers reported that wages were much lower than agreed.[34]

Also, while a few male labourers were not paid anything at all, 34 per cent of the women and 68.1 per cent of the children were either paid less than one rupee or not paid at all.[35] Several members of the bonded labourer's family, especially his dependents, work free for the master. The dependence, as a basis of the exaction of labour, is an important point to note when determining the nature of relations involved in bondage.

TABLE 1

CASTE AND EDUCATIONAL STATUS OF KILN WORKERS

Caste	*Per cent of workers*	*Educational status*	*Per cent of workers*
Chamar	75.4	Illiterate	75.7
Julaha	22.2	Just literate	0.9
Bhangi	0.3	Class III and below	6.2
Jogi	0.3	Class IV-Class VI	7.7
Kumhar	0.3	Class VII-Class IX	8.9
Badhai	0.3	Class X and above	0.6
Teli	0.3		—
Pathan	0.9		—
All	100.0 (338)	All	100.0 (338)

Figures in parentheses indicate the number interviewed.

The workers engaged in the brick kilns of Muzaffarnagar served under conditions that were similar to those observed for agriculture. The workers hailed either from Muzaffarnagar District itself or from the neighbouring district of Meerut, which has a similar historical, cultural and economic character. In Muzaffarnagar too, as in the rest of Uttar Pradesh, the bulk of these labourers belonged to the scheduled castes, primarily leather workers *(chamars),* who numbered 255 out of 340 respondents drawn from 23 different villages, or 75.4 per cent of the total sample. A striking feature of this area was the high percentage of Muslim weavers *(julahas)* who worked as kiln labourers. Weavers constitute the next largest

population among kiln workers (22.2 per cent). These two castes, Fuchs believes

> often go together and leather workers change into weavers and vice versa. Both castes are employed as village watchmen whose task it is to skin dead cattle ... Weavers as well as leather workers were in the past employed as grooms and drivers of horse carriages. This again proves their close connexion.[36]

Even the pre-Mauryan texts like the *Vinaya Pitaka* talk of the five 'low' occupations which include the *nalakara* (bamboo worker), the *kumbhakara* (potter), the *pesakara* (weaver), the *chammakara* (leather worker or *chamar*), and the *nahapita* (barber). Thus the association of these castes is of considerable antiquity, and dates back to around 300 BC, though the phenomenon of untouchability was a later development.[37]

Over 75 per cent of workers were illiterate, though 5.3 per cent had attended school up to class eight. The traditional nature of the relation was reflected among these brick kiln workers, 13.6 per cent of whom studied beyond class five and were still bonded (see Table I).

This is not extraordinary as Muslim bonded labour was noticed as a special feature in UP, and as they live in concentrations, their relatively high percentage in certain village cultures is no cause for surprise. What is more important is that both *chamars* and *julahas* were traditionally dependent on the landlords of the area, who primarily comprised *gujars, jats, tyagis, saiyids, pathans, rajputs* and *baniyas*. Even in recent times, 27 per cent of the loans were given by the landed elements to the kiln workers, while almost 46 per cent were given by the kiln owners, the majority of whom owned land as well. Another 15.6 per cent came from moneylenders. Thus the sources of loans are the traditionally dominant classes; and the traditional relations of dependence, far from being wiped out, continue to persist on the kilns, with some modification. 79 per cent of the workers are landless, and the majority of the others owned less than three *bighas* of land.

Nor is the sanction of force absent. Out of a sample of 340, 69 respondents reported having rebelled against bondage and being forced by the kiln owners to remain on the kiln, to perform household duties or agricultural work. In the case of women, there

TABLE II

OWNERSHIP OF LAND BY WORKERS, SOURCE OF DEBT AND INCIDENCE OF BONDAGE AND VIOLENCE

Area owned (bighas) roughly ⅓ acre	*Per cent of workers*	*Source of loan*	*Per cent of indebted workers*	*Violence and bondage*	*Number*	*Per cent*
Landless	79.1	1. Moneylender	15.6	Cases of violence	86	25.3
Up to 1	5.3	2. Landlord/ Farmer	27.1	Cases of bondage	69	20.3
1-2	5.3	3. Kiln owner/ Contractor	45.7	Total interviewed	340	100.0
2-3	5.9	4. Bank	0.4			
3-4	2.0	5. *Jamadar*, relatives, others	7.8			
4-5	0.9	6. Not recorded	3.4			
5 and above	1.5					
All	100.0 (340)		100.0 (269)			

are instances of their being sold into slavery to prostitutes. Such cases represent a fairly large fraction: 20.3 per cent of the total. The cases of those who do not rebel never come to public notice, as very often those who enter into the relationship do so willingly, and feel that there is no other alternative. In fact, a great part of the material cited here was collected during a struggle for higher wages, where the majority of workers were found to be unaware of their bondage and saw it merely as underpaid labour. They were prepared to fight it only after collective action on an economic basis—a strike for higher wages—had been launched, and the kiln owners had prevented the workers' leaving the kilns with armed guards, or taken recourse to other forms of violence.

A few examples, not untypical, from the survey will suffice to illustrate these points. A worker on the kiln of Tej Pal Singh of Muzaffarnagar said:

> Three years ago my wife was held back at the kiln over a matter of Rs 1100. Since then I have been to the owner many times, but she is not to be found anywhere.

Another who worked on the kiln of Naresh Chand in Mathura stated:

> After showing a debt of Rs 650 at the end of the season, my wife, child and I were forced to work on his farm for four months.

Another worker from Muzaffarnagar was held by Kabul Singh of Manglaur in Saharanpur.

> The owner promised to pay ten rupees per thousand bricks, but actually paid us at the rate of six rupees and said our debt amounted to Rs 800. He kept me on his farm for four months, and my wife and daughter at his home. Now, because of this I cannot marry off my daughter. We have no freedom whatever on the kilns. We cannot meet anyone. The owner's men are on their guard, watching us constantly.

A worker from Muzaffarnagar serving in the kiln of Choudhury Vijay Pal Singh in Doiwala, Dehra Dun, reported that on his failure to repay the initial advances, the owner 'took my house in mortgage, made me homeless and seized my goods'.

The most barbaric case perhaps is the one reported by a worker on the kiln of Chauduri Zile Singh of Faridabad:

> At the end of the season I owed Rs 700 for which the owner kept back my wife and daughter. When I returned with Rs 700 my daughter was missing. Much distressed, I came back home with my wife who then told me my daughter had been sold by the owner. A nine month long search revealed she had been sold to a prostitute of G B Road in Delhi for Rs 2,800. She was recovered, but my eldest son, for whose education we had slaved, committed suicide on hearing that his sister had been sold into prostitution. A case has been registered, but the owner has threatened to have all of us killed if my daughter gives evidence against him.[38]

These reports confirmed the link between agrarian and kiln bondage as well as the fact that while men are bonded, the women and children are exploited as a result of that relation, purely on the basis

TABLE III

FAMILY SIZE OF WORK GROUP, NUMBER OF CHILDREN AND AGE STRUCTURE

Family Size	*Per cent of group*	*No. of working children*	*Per cent of group*	*Age group (years)*	*Male*	*Female*
1-2	18.0	1-2	42.6	Under 25	7.4	19.9
3-5	43.7	3-5	24.7			
		Over 5	11.8	25-35	36.9	34.9
Over 5	38.3	None	20.9	Above 35	55.7	45.2

of dependency.

The working unit on the kilns is usually the nuclear family, in addition to widowed mothers, unmarried sisters or brothers, and close relatives' children. About 44 per cent of the working groups included three to five persons, while 38 per cent included more than five persons. A large number of these groups had one or two children working with them (42.6 per cent). 21 per cent had no children with them and 25 per cent had three to five children. The incidence of child labour was remarkably high—79 per cent of the groups used child labour.

These working groups correspond fairly closely to the prevailing family size recorded for bonded labour in Uttar Pradesh, that is, one to three adults and children. The age structure is also similar. The 'relatively high' bracket of 35 years and above included nearly 56 per cent of men and 45 per cent of women. About 13.6 per cent of all workers were below 25 years and 36 per cent between 25 and 35 years of age, making only 49.5 per cent of the adult bonded population below the age of 36 (see Table III). This relatively high age level of the respondents has been noted in Uttar Pradesh, as bondage and pauperization became a part of the life cycle of the agricultural labourer after marriage, or after the birth of one or two children. This phenomenon is a part of the agrarian life cycle, as evident from the fact that almost two-fifths of the respondents had been working on the kilns for over 15 years. The persistence of the phenomenon was observed in an All-India survey:

> One can see from these figures that bondage in Uttar Pradesh is particularly severe because once in bondage he (the worker) can never succeed in freeing himself.[39]

One could aver that this is not merely a function of pauperization, but the normal pattern of relations characteristic of the traditional life cycle of the agricultural labourer and artisan classes. This is borne out by the fact that only 7.4 per cent of male respondents were under 25, and that the annual increase in the number of pauperized peasants entering this sphere of production accounted for only 0.6 per cent of the respondents (see Tables III and IV).

TABLE IV

PERIOD WORKED FOR EMPLOYER (YEARS); HOURS WORKED AND WHETHER PAID

Years worked	*Per cent of workers*	*Maximum daily hours worked*	*Per cent of workers*	*Whether wages paid*			
					Paid	*Unpaid*	*Total*
1	0.6	12-18	40.4	Men	100.00	0.0	100.0
2-5	24.7	18-22	54.3	Women	24.4	75.6	100.0
5-10	22.9	22 +	5.3	Children	2.1	97.9	100.0
10-15	12.5						
15 +	39.3						
All	100.0 (339)	All	100.0 (339)			100.0	(332)

It would appear that what begins as nominally free dependent labour slowly loses its nominal freedom over the years and declines into servitude, both in traditional industries like brick kilns and in agriculture. In fact, the Muzaffarnagar evidence would make bondage appear as the traditional method of appropriating the labour of women and children as they become attached to dependent males in their life cycle. The male-oriented nature of this institution has been noted before. However, 87 per cent of the labourers surveyed were married, and this provided the owner access to the labour of wives and children. Our sample also shows male predominance as well as the importance of the linked female. In our sample of 339 male respondents, 332 were either married, or had engaged the labour of a mother or daughter. Only seven worked with other male members.

While the respondents were extremely vague regarding payment to the women, stating that they were 'paid according to their work', the majority conceded that the wages of workers were paid to the man in charge of the working group.

The attitude with regard to children was much clearer. Of 332 respondents, only seven said that children were paid at all; 98 per cent stated that children were not paid at all. (See Table IV.)

All other features of the bonded labour population are present among the kiln workers too: 78.8 per cent of them were in debt, and 49 per cent had initially taken a loan exceeding Rs 1,000. In fact, it was noted that where the debtors owned land, they were able to secure considerable loans ranging from Rs 2,000 to Rs 10,000. This is relatively high for bonded labour. Many of the kiln workers of Muzaffarnagar would thus be included in the category of the top 25 per cent in Uttar Pradesh. However, the work of the kiln labourer is more intensive than that of the agricultural labourer, explaining the high absolute wages.[40] Only 8.9 per cent take loans of less than Rs 500. Also 21.2 per cent of the workers were not in debt initially, but most of them became indebted over the years. The rate at which indebtedness increases is evident from the fact that in 54.4 per cent of the cases, it increased by over Rs 1,000. Only 8.2 per cent (28 people) mentioned some reduction in debt.

TABLE V

RATE OF PAYMENT PER THOUSAND BRICKS, INITIAL INDEBTEDNESS AND GROWTH OF INDEBTEDNESS OVER WORKING PERIOD

Rate per 1000 bricks (rupees)	*Per cent of workers*	*Initial indebtedness (rupees)*	*Per cent of workers*	*Growth of debt (rupees)*	*Per cent of workers*
Up to 10	8.7	None	21.2	Negative to zero	8.2
10-12	35.0	Up to 500	8.9	Up to 500	10.0
12-15	50.6	500-1000	20.9	500-1000	27.4
15+	5.7	1000+	49.0	1000+	54.4
	100.0	All	100.0	All	100.0

The hours of work among the kiln workers are extremely long. None of the respondents reported less than 12 hours of work a day; 40.4 per cent said they worked between 12 and 18 hours a day; 54.3 per cent stated that they worked between 18 and 22 hours, and 5.3 per cent reported they worked for over 22 hours per day. By 'work' they generally referred to the time they were available to the

employer. Even allowing for some exaggeration in these figures, the modal working day was more than 15 hours. The writer has seen even children working, on occasion, up to eleven in the night.

The payment made for this work was disguised under a form of 'piece-work', by means of which the owner managed to escape paying for breakages, rainy days, the preparation of the brick field and so on, which was part of the traditional 'free labour' he exacted along with the labour of women and children.

According to the survey, the payment per thousand bricks (the daily output of a working group of four, including children), was on an average between Rs 12 and Rs 15, according to 50.6 per cent of the respondents, while another 35 per cent placed it between Rs 10 and Rs 12. This works out to Rs 3.25 per person for an 18-hour day, excluding the cost of unpaid labour. At the time of the survey, bricks were selling at between Rs 180 and Rs 230 per thousand, netting the owner a clear profit of at least Rs 90 per thousand bricks, or Rs 1,08,000 per season on an average kiln producing 12 lakh bricks. (To avoid sales tax, the owners might claim though to produce only between five and seven lakh bricks per season.)

An independent study of brick workers in Meerut bears out much of what we have noted in Muzaffarnagar.[41] It points out that 47 per cent of the men and 43 per cent of women among the *chamars* of the area are employed from October to May on kilns in Sardhana, Nanera, Mandoli and Muzaffarnagar. While the study notes only Rs 500 as the initial loan, it is not far removed from our findings; even in our study it was in Kairana *tehsil,* close to Meerut District, that the largest number of respondents (13 out of 50, or 46 per cent) had taken less than Rs 500 as a loan. But in general, it appears that kiln workers in Muzaffarnagar do take at least double that amount initially.

However, in other details, the account is indeed very close to our findings. First, it notes how *jamadars* or agents recruit labour for the kiln owners, and that they are 'middlemen' between the workers and owners. The contract they enter into is described as 'a kind of debt bondage'. But the process of how they will get deeper into debt is clear when it is explained that on returning to their villages after the season, 'there is no work available for them in the village and they raise loans in cash or grains to pull on during this period'.[42]

The unpaid labour is also mentioned. Not only does the worker build a dwelling-place in his own time, but

> along with this, a suitable piece of earth is selected by the labourer which is cleared of all foreign matter and is made as fine as possible for [the] best results in brick making. No payment is made for this work.

In the beginning, for about a week, he has to sustain himself with the advance money. The account also mentions how every fortnight, 'since supplies are not available on the site, it can mean half a day's loss of work'. Also, 'there is a loss of work some workdays, as when the man goes out to bring the supplies or in case of ill-health etc. when no payment is made'. To this may be added the days lost during the winter rains and breakages, not to speak of other reductions arbitrarily made by the kiln owners. The practices resorted to by them are no secret. The workers' union, according to the report cited above, gave the workers notebooks to write down the amount due to them daily.

> But the *bhatta* (kiln) owners destroy these books when making the final payment because there is under-reporting in their account books to avoid payment of excise duty.

Thus, if there is a dispute, everything is in favour of the kiln owner as the worker has no evidence regarding the amount of bricks produced by his working unit.

This study reported the same rate of payment as that seen in Muzaffarnagar. The report states that 'the rate of payment is Rs 12 for a thousand bricks near Sardhana and between Rs 14 and Rs 15 near Delhi. It is fixed by the arbitrary power of the *bhatta* owners'. Thus coercion permeates every field of relations on the brick kilns. Although there has been a considerable expansion of the trade in recent years with the growth of house building activity in the Green Revolution areas, this has resulted primarily in increasing sharply the amount of initial loan to attract a labourer into bondage; but then the payment and hours of work continue to be determined by the traditional coercive mechanism. In fact, the power relations operating in the agrarian life cycle are also evident in the field of agro-industries such as brick kilns.

The hours worked also find confirmation in the details of the report, in which the author describes the working day:

> The day starts early for the *bhatta* workers. The woman has to complete the cooking and washing by six a.m. so that she can join her husband in the process of brick-making. While she is completing her housework, the man sprinkles water on the earth prepared the last evening into a dough. He kneads it wjth his feet to make it more pliable. If there is a young daughter she may help in cooking and the mother can help in breaking the clods of earth too. After the dough is ready, the woman hands over the rounds [lumps] of mud and the man shapes them into bricks with the help of a wooden mould provided by the *bhatta* owner. He keeps the prepared bricks on wooden planks, also provided by the owners. The women and the children take them to spread in the sun. The bricks have to be turned on all sides for even drying. This work is done by women and children. The morning shift is up to two p.m. With a break for lunch the work is resumed in the afternoon. Before retiring for the day the earth is dug and dough is prepared for the next day's work. Women and children supervise the water channel while the men dig the earth with a shovel. At six p.m. the man relaxes; smoking and talking to his friends or just lying on the cot in front of his hut, while the woman gets busy with the cooking of the evening meal and sleeps only after she has served the food and washed the utensils.[43]

This is the picture of the minimum work roster on a kiln, that is, 12 hours. Our study and fieldwork experience show that very often the workers carry on till ten to ten-thirty in the night having started at five in the morning, with an hour's rest around two p.m. Jetley's assessment is on the low side, but her description certainly shows how arduous the routine is.

Also, the educational standard of the working groups as described by Jetley fits in with our statistics. She notes that

> 35 out of 70 families of *bhatta* workers migrate seasonally with all the members of the family. These families are totally illiterate. The second type of migrant family consists of the

literates as well as illiterate persons; the former, having failed to secure a job, join the family to earn a livelihood. The educated members in such families are only the males. There are 24 such families. In the third type, the man, his wife and younger children migrate to the *bhatta* site, while school-going boys are left behind. The care of such sons is entrusted to a young unmarried daughter who acts as a little mother.[44]

While statistically one cannot say in how many cases education frees the family from bondage, it is clear from our data that a large number of them revert to bondage as they are unable to educate themselves beyond a minimum level. Only that can explain why 5.3 per cent of our sample left school after the eighth standard. In fact, they were the largest single group of educated kiln workers, indicating the persistence and permanence of bondage in spite of all the efforts of the kiln workers to eliminate it.

How are we to understand the relations described above ? There are basically two approaches: one stresses the development of capitalist relations within the colonial context and sees bondage as an aspect of this development. The other points out the failure of capitalist relations to develop fully, and locates bondage in pre-capitalist relations modified in the colonial context. Clearly it is not merely a matter of personal predilection as to which of these explanations is correct.

The first approach relies on a thesis expounded in a relatively little known Appendix to *Capital* (Vol.I) published by Penguin in 1976, in which Marx noted that

> Capital subsumes the labour process as it finds it, that is to say, it takes over an *existing labour process*, developed by different and more archaic modes of production. And since that is the case it is evident that capital took over an *available, established labour process*, for example, handicraft, a mode of agriculture corresponding to a small, independent peasant economy. If changes occur in these *traditional established labour processes* after their takeover by capital, these are nothing but gradual consequences of that subsumption. The work may become more continuous or orderly under the eye of the interested capitalist, but in themselves these changes do not affect the character of the actual labour process, the

> actual mode of working. This stands in striking contrast to the development of a *specifically capitalist mode of production* (large scale industry etc.); the latter not only transforms the situations of the various agents of production, it also *revolutionizes* their actual mode of labour and the real nature of the labour process as a whole. It is in contradistinction to this last that we come to designate as the *formal subsumption of labour under capital* what we have discussed earlier, viz. the takeover by capital of a mode of labour developed before the emergence of capitalist relations. The latter as a form of *compulsion* by which surplus labour is exacted by extending the duration of labour time—*a mode of compulsion not based on personal relations of domination dependency, but simply on differing economic function—this is common to both forms ...*(Italics mine)[45]

of the real and the formal subsumption of labour by capital.

Marx, however, is clear that in both the real and formal subsumption of labour by capital, traditional relations of dependence are excluded. In fact, he specifically notes that

> In India, for example, ... we have *not yet* reached the stage of the formal subsumption of labour under capital ... The immediate producer still performs the functions of selling his wares and making use of his own labour.[46]

It is precisely this aspect of the relation that is reflected in both the kiln owner's refusal to pay for the labour time used in preparing the brick field, marketing, days lost on account of bad weather and so on, as also the disguise of bondage under the institution of piece work. It is part and parcel of the contradictory relations of production existing in societies where capitalism has failed to develop in its classic form, but not the formal subsumption of labour which occurs as a part of the process of the development of capitalism historically.

A number of studies on bondage have tried to use this frame of reference but have failed. In one such attempt, Sudipto Mundle tried to show that bondage in Palamau was a phenomenon that followed the development of capitalism in agriculture, but the argument could not be sustained factually. He notes, for example, that 'the *kamiauti* system of debt bondage originated towards the end

of the nineteenth century in the wake of capital penetrating into agriculture',[47] but in fact, one of the books he uses as source material, D R Banaji's *Slavery in British India* (1933) contradicts his conclusion by pointing out that the terms *kamia* or *sevak,* denoting 'bondsmen who sold themselves for life', were reported by Captain T Wilkinson in 1826; and that as early as 1836, J Davidson reported that

> this system of slavery prevailed very extensively in ... Palamau, where men generally become slaves by falling into arrears to their landlords, or by borrowing money for the performance of marriage ceremonies. When they were unable to pay they were forced to write *sewaknamahs* (contracts) for the amount of their debts, thus becoming slaves frequently for life. Very often the same miserable condition extended to their children.[48]

Thus it would appear that the argument of Mundle is not based on a very careful analysis of the facts.

More recently, Sarma Marla, while noting that

> without a detailed study of the historical data for the past two hundred years it is difficult to have any clear idea of how far the phenomenon of debt bondage is linked to past tradition and practice, for it is from the end of the eighteenth century that agrarian relations in various parts of India began to be greatly disturbed because of the imposition of wholly new ideas and policies by the British,

concludes that

> however, it can be said that much of the bondage prevalent today was during the past hundred and fifty years greatly accentuated, extended and given a moral sanction by the British sponsored (institution of) indentured labour ... While some aspects of present day bondage could quite possibly have some structural links with the earlier indigenous practices, the model which exists today and which this survey reveals in graphic manner, was seemingly copied, whether deliberately or otherwise, by the present day owners of bonded labour from

> the practices enforced by the state itself through its laws and regulations with the beginning of the present century.[49]

This argument has a number of flaws. First, the institution of bondage was widely prevalent in the area under study in the early nineteenth century. Second, mere legislation, without the previous existence of certain categories of relations and classes, or the conditions necessary for their existence, cannot give birth to institutions like bondage, just as the passing of the Bonded Labour System (Abolition) Act of 1976 has not destroyed this institution. We can only agree with Marla's conclusion insofar as it is stated that the policies of the British government perpetuated bondage rather than eliminated it, because imperialism came to terms with the pre-capitalist relations in India, and grafted a narrowly developed capitalism on a semi-feudal agrarian base.

In fact, Alaev points out clearly that in the Muzaffarnagar area,

> the feudal or even semi-slave dependence of the agricultural labourers in the nineteenth century indicates at least that this was [a] non-capitalist stratum ... the employment of hired labour was in reverse proportion to the concentration level of property in land and the extent to which land was leased. It would be quite proper to conclude that the stratum of landless dependent labourers is not the result of the destruction of communities and the peasants' dispossession of land but a traditional feature of the Indian communal system.[50]

This was a regular feature of Indian agrarian relations in medieval India, and it came to be firmly established in the form we know today in the Gupta period (AD 300-600). It is noted that

> Just as the clans which formed higher *varnas* held landed property in common, so also they held labourers in common to work on the land.[51]

Komarov, another Soviet scholar, supports the view that 'the British authorities vested the landowner with essentially feudal powers over the peasants'. He also points out that *ryotwari*, *malguzari* and *zamindari* differed in form, but that they represented

> one and the same method of appropriating the peasant's surplus product—feudal cash rent, which was a rent-revenue under *ryotwari* and village taxation systems and feudal rent in regions with a fixed tax under the *zamindari* system [that] prevailed at the corresponding level of agrarian relations.

As for the condition of the peasantry under each of the three basic land revenue systems, the intensification of non-economic compulsion was an inherent feature of the exploitation of the peasants. However, its intensity was far greater as 'it was put into effect with all the power of the colonial state machine directly, or by giving the feudal landowner feudal rights over the person and property of the peasants'.[52] This explanation—more in keeping with available evidence—views the institutionalization of bondage and other pre-capitalist relations as a result of the failure of the colonial power, and its unwillingness to allow the unfettered development of capitalism in the colonies.

Marx summarizes the system as follows:

> The *zamindari* and the *ryotwari* were both of them agrarian revolutions, effected by British ukases, and opposed to each other, the one aristocratic, the other democratic, the one a caricature of English landlordism, the other of French peasant-proprietorship, but pernicious, both combining the most contradictory character—both made not for the people, who cultivate the soil, nor for the holder, who owns it, but for the Government that taxes it.

As for the peasant,

> the drawbacks of all these various systems accumulate upon him without his enjoying any of their redeeming features. The *ryot* is subject, like the French peasant, to the extortion of the private usurer, but has no hereditary, no permanent title in his land, like the French peasant. Like the serf he is forced to cultivation, but he is not secured against want like the serf. Like the *metayer* he has to divide his produce with the state, but the state is not obliged with regard to the *metayer*.[53]

The peasantry are reduced therefore to serfs and tenants-at-will of the state.

The conditions of artisans were the same, and if the Census of 1881 quoted above is anything to go by, there was little difference between them and the agricultural labour. In our study too, we find that large numbers of brick workers are weavers by caste. This lack of distinction between artisan and agricultural worker, is traditional: Marx has noted 'the domestic union of agriculture and manufacturing pursuits'.[54] We are forced to conclude that

> the surplus value the new type of landlord and the well-to-do peasant are garnering today is determined *mainly by virtue of their title* to these lands, rather than as returns on invested capital in farming as such. The rural wage-labourer is neither really a *free wage labourer in the strict economic sense of the term* nor is an overwhelming majority of them able to secure even a subsistence wage for their work. It is, in fact, a landlordism which combines in itself both the *features of capitalism and feudalism.*

It is the failure of capitalism to overthrow the feudal relations in the agrarian sector that has allowed institutions like bondage to survive and flourish. Bondage is a persisting form of precapitalist relations. In other words, it is part of the mode of production that would include petty production (which may well be seen as germinating capitalist relations and applies to powerloom weavers and others), agricultural labour and at the bottom, bonded labour.

Without overthrowing existing land relations, we cannot get rid of the pernicious institution of bondage, as 'this feudal and semi-feudal relationship in agriculture cannot be abolished without at the same time abolishing capitalist landlord relations'.[55] This is obvious from the persistence of bondage even in a 'Green Revolution' area like Muzaffarnagar, representing not a formal subsumption of labour by capital, but rather 'a survival of a past mode of production'.[56] It is clear that our approach to the study of bondage differs radically from that of the school which generally envisages reforms within the framework of developing capitalism to eliminate this relation. If the problem of bondage is to be genuinely confronted and grappled with, the need above all is to overthrow existing land relations altogether, as they represent, not developing capitalist forms, but moribund survivals of a past mode of production.

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6

BONDAGE IN SANTHAL PARGANAS

S.P. Tiwary

The district of Santhal Parganas was created as a direct consequence of the Santhal Rebellion of 1855.[1] Even though the rebellion was suppressed by the British, they had to order an enquiry into the causes of the rebellion and constitute a separate district by Act XXXVII of 1855, consisting of certain portions of districts of Bhagalpur and Birbhum.[2] This Act also put its administration on a non-regulation basis for 'the general Regulations and Acts of Government now in force in the Presidency of Bengal are not adapted to the uncivilized race of the people called Sonthals' [3] However, the area originally proposed in the 1855 Act was curtailed on the representation of the British indigo planters by Act X of 1857.[4]

It perhaps never crossed the minds of the British administrators that the introduction of private property in land, as a result of the Permanent Settlement, led to a host of deprivations and exploitative practices which ultimately sparked off the Santhal Rebellion. The situation then prevailing has been aptly summarized by A K Mitra in the *Census Handbook of 1951* for Birbhum District:

> The Permanent Settlement and the era before it carried dissolution and misery and poverty, throughout the land. The newly settled *zamindar* was assessed up to a hypothetical 10/11th of the *hastabund* for all lands in his possession, most of which was desolate, full of dense jungle and without cultivation. The reclamation of these tracts fell to the lot of Santhals, whom the *zamindar* per force had to rob to pay Paul; the East India Company, satisfied to receive the revenue, did not trouble itself

to find out how the trouble was being passed on. The Company was content so long as the *Dikku* was there for oppression and the Santhals moved about in vain in search of redress. The Company did not raise a little finger to restrain the *Dikku* in order to safeguard the simplest needs of the Santhals. It was happy so long as the revenue flowed well. But when the Santhals rose in a body and try to destroy their immediate oppressor, the *Dikku,* the Company found it necessary to protect the *Dikku,* to ensure the flow of revenue. It was only after a major catastrophe had happened that the Company was brought to its senses and took certain measures for the preservation of the Santhals. But the essential measures whereby the cordial relations might be restored between the *Dikku* and the Santhal were deliberately neglected to perpetuate the difficulties.

In spite, therefore, of the special administrative and agrarian system created for the Santhal Parganas, and its many redeeming features, the process of pauperization of small peasant masses, which had been the major factor behind the rebellion, continued owing to the pro-landlord bias of the British administration, which in fact had turned a class with certain pre-emptive rights on land into full-fledged landlords. This naturally affected many other relations on land as well.

By 1833, a separate government estate consisting of the hill tract inhabited by the hill people and the level country skirting the external ranges of the hills was demarcated, called *Dam-in-koh* (skirt of the hills). The British assumed both revenue and administrative responsibility of this area directly. The revenue administration was placed under an officer called the Superintendent of the *Dam-in-koh*. A British officer called Pontet was appointed to this post with the instruction to encourage Santhals to clear the jungle and settle in the area.[5] It was a reversal of the old policy of preserving *Dam-in-koh* 'exclusively for the encouragement of the hill race in the persecution of agricultural pursuits and for their eventual benefit'.[6]

By 1837, when Pontet was appointed, the Government, abandoning the earlier 'political point of view', regarded the question of settling Santhal villages in the tract from a 'financial standpoint'. As the man who demarcated the *Dam-in-koh* government estate, Mr Ward suggested,

> ... there will be no expense attending this plan, no advances required on account of *tuccavee*. The thicker the forests are, the better they are adapted to the taste of this industrious race of people, who require only good treatment to make them useful and profitable *ryots*.

All the *zamindars* who either directly or clandestinely retained land were expelled during Pontet's time and the revenue yielded by *Dam-in-koh* went up from Rs 2,000 in 1837 to Rs 43,919 in 1851.[7] But Pontet's administration failed to live up to its duty 'to protect the industrious race of new settlers called Santhals who have been driven by oppressive *zamindars* from their native countries, Birbhum and Singhbhum'. In fact, the British also used them for 'general extension of tillage' like any other rapacious *zamindar*—a common feature resulting out of the Permanent Settlement in 1790 which fixed the revenue obligation of *zamindars* in perpetuity, and 'to rid the lowlands of the wild beasts which since the great famine of 1769, had everywhere encroached upon the margin of cultivation'.[8]

The creation of *Dam-in-koh*, except for allowing the Santhals to clear forests on the foothills and slopes and to settle there, did not bring them under the protective provisions of Regulation I of 1827 under which the Paharias' right 'to sit rent free' on their lands was recognized, and with all special police rules they continued to be associated with the administration of justice. The Santhals, on the other hand, fell outside the technical definition of 'the hill people in the districts of Rajmahal and Boglepore'.[9] They could retain their reclaimed land as long as they paid the rent. No special rights as the original reclaimers of land were recognized. The *zamindars* either demanded exorbitant rents, or dispossessed them and rack-rented the lands cleared by them to other non-tribal settlers. Soon, they were facing eviction for non-payment of rent which drove them to the devious *mahajans* (moneylenders) in whose hands they were reduced to the status of bonded labourers.

The *mahajans* got hold of the Santhals' land through mortgage and sale, and they themselves became *kamiya*, bound to work out their debts by personal service, with a payment of an exorbitant rate of interest from 50 to 500 per cent. The *naib-sazawals*, revenue officials below the Superintendent of the *Dam-in-koh*, who carried out the actual collection of rent, extorted many times over the amount fixed from the various grades of Santhal peasants. The courts where

complaints could be taken were far away at Bhagalpur and Deoghar, and were infested with corrupt, cunning and petty officials, putting them well beyond the reach of a simple Santhal peasant.

By the time of Wood's Settlement operations between 1872-1879, the system of *bhaoli* or half produce rent was observed in Godda sub-division. Unlike the adjoining South Bhagalpur district where this system was supposed to be a temporary arrangement between equals (both cultivators), in Santhal Parganas it was transformed into an instrument of exploitation by the *zamindars* of tribal or other poor cultivators who were pouring in from the Permanent Settlement areas. The tenants were made to enter into contracts which were 'attended with great abuses' and 'were allied to those attending the system of servitude by debtors against which Sir William Robinson had waged war'.[10] The system was legally abolished by Mr Wood, the actual cultivator was recorded as *raiyat* and cash rent was to be substituted for produce rent.[11] But, as a *de facto* phenomenon, this system never really came to an end and is still prevalent in the district despite successive legislations.[12]

In later years the practice of *bhaoli* was made use of by the *mahajans* (moneylenders) to alienate the land of the poor peasants. Even the *pradhans* and big cultivators utilized *bhaoli* to claim prescriptive right over the lands of others. In such cases, often the original *ryot* becomes a tenant on his own land paying at least half of the produce and in many cases much more than half, to the creditor who might even have become the new owner.[13] Thus a complex relationship between the parties to the *bhaoli* contract has developed reducing the actual cultivator to little more than a bond slave.

A much more harsh and cruel system akin to *bhaoli* called *krishani* prevails in Dumka, Deoghar and Jamtara sub-divisions, under which the actual cultivator returns two-thirds of the produce to the landowner. This was also sought to be checked by legislation and by administrative measures.[14] In various settlement operations, the last being in the period from 1922-35, the system of *krishani* was sought to be abolished by either confirming the possession of the cultivating tenant or restoring the land to the original *raiyat*.[15]

By 1938 the Santhal Parganas Inquiry Committee was forced to note that

> the practice has always been common and is regarded by the

bigger cultivators almost as a necessity. The practice (subletting—*bhaoli* and *krishani*) is convenient also to poorer cultivators who have lost their land through eviction or who have insufficient land of their own, but it not infrequently leads to permanent indebtedness to the recorded *raiyats* and in the form known as *krishani* is often indistinguishable from serfdom.[16]

A study conducted in the second half of the sixties also testifies to the prevalence of a form of sharecropping in which the producers part with two-thirds of the produce and is nothing but *krishani*.[17]

The Final Report on the Revision Survey and Settlement Operations (1922-35) notes still another form of bondage in agriculture known as *palhaiti*. Under this system,

> a labourer is given a small grant of land on which to build a house and plant some rice and for which he pays no rent. He must work for his master when required and when he does so, he gets wages in kind at about half the rate which is payable to a free labourer.[18]

During the Settlement operations such *palhaits* who were found to be in possession of the land given by the master for 12 years or more were recorded as *raiyats* on those plots. In other cases only their possession of house plots was recorded, and the agricultural land was restored to the master. The case was treated just as would be any other case of illegal alienation of land; so that this system continued to persist with the master becoming more vigilant about his rights on the land, leading progressively to the continuation of *palhaiti* relations without even giving any land.

The other side of the coin was the growth of servitude, which was a feature that was extensive even when the district came into being. The particular system of servitude traditionally prevalent among the Santhals was known as *kamiauti,* a form of debt bondage. It was sought to be abolished in the district as early as 1858[19] by William Le Fleming Robinson, the District Collector.

Robinson has left an account of the conditions which prevailed then as regards debt bondage. He describes it as follows:

> It was called *kamiotee,* but it is not peculiar to Sonthalia or

the Sonthals. You will find it nearly all over the country, I believe, in one form or another. But in Sonthalia it was very bad. A man borrowed money and gave a bond to work it out binding himself to work for the lender, whenever he was required, without pay. The lender, of course, required his services at harvest and the other busy seasons of the year, when the debtor could have got work and pay elsewhere; and when work was slack, the lender, of course, did not require his slave's services. He could make nothing elsewhere; all he got when working was food, and sometimes a bit of cloth once a year. As interest was taken in advance, the debtor could never work out his debt; the interest was never less than 25 per cent, often much more. The son, daughter or other nearest relation of the debtor used, in case of his death, to be considered liable, and if suits were brought against these bonds in the old Munsiff's courts, they used to give decrees for their due execution no matter how old the debt was or who was working it out at the time. I have had a bond brought to me in which Rs 25 was originally borrowed by a man who worked through his lifetime, his son did ditto, and I released his grandson from any further necessity; it had been running on for over thirty years, if I remember rightly.[20]

There are other systems of debt bondage prevailing in the district. The system of *harwahi*, common in Bhagalpur district, prevails in the bordering sub-divisions as well, in which the obligation for serving the master is passed from one generation to another. The labourer works for slightly lower wages (in kind) than those paid to a free labourer. All this the labourer does in lieu of the interest on debt for which he executes a bond. In Deoghar sub-division, the system of *kandh* is common, under which the labourer executes a bond in exchange for the debt he takes and undertakes to work for the creditor until the loan is returned. The rate of interest is almost never specified in the *kandh* contract in lieu of which an indebted labourer is bound to work for a lower wage than that paid to a free labourer. Once the contract is signed the debtor becomes a *munish,* or the security for the debt. Accepting *kandh* would figuratively mean accepting a 'yoke on one's shoulders'.

Apart from these categories, Paharias of the northern Rajmahal hills would be bonded to *mahajans* in the process of

accepting loans for cutting, drying and marketing of *sabai* grass grown on the hills. This system came to be known as *chutki.* The British Government tried to intervene and help in the financing and marketing of *sabai* grass, but this intervention was temporary, and the *mahajans* gained control over the tribals again.

Thus, while servitude under *bhaoli, krishani* and *palhaiti* are directly related to the property relations in land that took shape over the years since the coming of the British, *kamiauti, harwahi* and *kandh* are the traditional forms of bondage in agriculture which are found in almost all parts of Bihar under different names, and which are again the product of a particular set of production relations in agriculture and complexities of traditional Indian society. Here, a look at the factors that led to the various forms of debt bondage in the district becomes necessary.

The ill effects of the Permanent Settlement were sought to be checked in the Santhal Parganas by Regulation III of 1872 for the first time but still within a framework which Baden-Powell describes as only affecting 'the right in the soil and the fixity of the government assessment on the landlords'.[21] At the same time, the operation of the agrarian law was placed in the hands of an administration ostensibly desirous of protecting the interests of the 'peasant proprietors', but with a strong landlord bias which ultimately led to the dispossession of the very peasants it pretended to protect.

Wood's Settlement began in 1873 and ended in 1881. It tried to put the agrarian structure of the district on a new basis equitable to the *raiyat,* and also 'fair' to the superior landlords. But within 15 years, some 50,000 transfers of land had taken place. All subsequent agrarian measures concentrated on the prohibition of alienation of land, but it could not be checked. By the time of Allanson's Settlement operations, it had assumed alarming proportions and in the settlement report special recommendation was made for stricter laws against alienation.[22] This process of expropriation of small cultivators continued unabated, and their situation reached a nadir during the period of economic depression beginning from 1929 and continuing up to the late thirties. From 1920-1929, rent suits averaged about 7,500 a year. By 1933 the yearly figure was 15,443 with a drop in 1934 to 12,496 and rising to 16,234 and 17,575 in the years 1935 and 1936.[23] The rate of increase in the Santhal Parganas was much higher than the Bihar average. So many rent suits, naturally, meant as many evictions, and that also for paltry sums—most often

peasants losing their holdings for a few hundreds and at times for even less than a hundred rupees. The 'protective administrative' system, instead of safeguarding the interests of the peasants, in reality, did the reverse. In all the settlement operations, rent were abnormally enhanced, which will be clear from the following table.[24]

TABLE 1

INCREASE IN AREA ASSESSED AND RENT, 1873-1935

Settlements	*Increase in area, per cent*	*Increase in rent, per cent*
Woods (1873-1881)	66	34
Cravern (1888-1894)	—	50
McPherson (1898-1906)	67	60
Allanson (1907-1910)	21	23 for five years 29 from sixth year
Gantzer (1922-1935)	17	30.6

Note: In Cravern's Settlement, a 50 per cent rise in rent was ordered irrespective of the increase in cultivable area. In an arid district like Santhal Parganas, the increase in cultivable area does not at all mean a corresponding rise in production.
Source: Settlement Reports of McPherson, Allanson and Gantzer.

The classification of lands made in McPherson's, and Allanson's and Gantzer's Survey Settlement operations, were also advantageous to the rent-receiving *zamindars.* One of the probable reasons could be that the government itself held the biggest estate in the district.[25] The indispensable position of the *zamindars* in the British expropriatory mission in India, however, remained the fundamental reason for the failure of all attempts at reform.

The ill effect of the excessive rent was so manifest that the government had to issue a regulation ordering a flat 25 per cent reduction of the rent in 1939.[26] By this time the two-fold effect of the 1872 legislation on the Permanent Settlement, pointed out by Baden-Powell, had been almost completely negated.

In the post-independence period also, the process continued in spite of an apparently relatively foolproof law of tenancy. In the late fifties through the sixties, through what came to be known as 'collusive title suits', land alienation continued; the 'Santhal Courts' with their limited civil suit jurisdiction were found most useful by the *mahajans* and other land-grabbers. On the basis of documents acquired from these courts, lands were mutated in the name of new

'landlords' who came on the scene after the abolition of *zamindari* and vesting of their rights in the government in the 1950s. Although no record is available regarding the incidence of such transfers, it must have been considerable, for the Bihar government was constrained to issue the Bihar Scheduled Areas Regulation of 1969 meant to restore the land to the original *raiyat*.

This history of continuous expropriation of small peasants of their means of production and subsistence, brings out, on the one hand, the hollowness of the understanding that a certain process emanating out of material factors can be checked by administrative and legal methods alone; and on the other hand, it also gives us an insight into the phenomenon of the ever swelling ranks of the landless labourers and the process of their pauperization leading to indebtedness and bondage.

The material factors that determined this process can now be easily identified and those are the ones emerging out of the Permanent Settlement. The special measures failed miserably in the face of the developments that followed after the introduction of private property in land.

In Santhal Parganas also, this concept was applicable to the proprietary rights of *zamindars* only, and gradually got introduced in the village community where even after Woods' Settlement there existed many of the same speculators *(mustajirs)* in the new garb of village headmen. Thus the dispossession and expropriation of the peasant proprietor and the stratification of the village society became almost inevitable. At the end of Gantzer's Survey Settlement operations in 1935, the average landholding for a recorded *raiyat* was 5.3 acres, while that of the *pradhan's* or the village headman's, stood at 20.7 acres, roughly four times as large as the average *raiyat.*[27] Besides his *nijjote* (private holding), the *pradhan* also enjoyed official *jotes* attached to his office. After the abolition of *zamindari*, especially in non-tribal villages, he had, for all practical purposes, replaced the old *zamindar.* Having thus laid the foundation of a system of agrarian relations which only strengthens feudal hold over the land, the British could not go beyond a certain measure; and possibly the present ruling elite too cannot afford to cross the limitations imposed long ago by the overall strategy of the colonial exploitation of India, and now by the class interests of the ruling elite.

The extent of pauperization can be gauged in Santhal Parganas from the alienation of land of the small peasant proprietors, the

intensity of indebtedness and migration of labour. But even here no concrete and dependable data are available for the district. The Santhal Parganas Inquiry Committee had used in 1938, the fact of an abnormal increase in rent suits to arrive at a conclusion regarding the extent of debt in the district. To the committee it was 'fairly clear that the debt had increased'.[28] In the *Santhal Parganas District Gazetteer* of 1964, despite the non-availability of any record, an effort has been made to construct the picture of indebtedness in the district, summarized in Tables 2A and 2B.

While Table 2A indicates usury to be a thriving business, Table 2B indicates that the expropriation of small landholders was reaching the point of exhaustion.[29] In reality the amount of debt would be many times more than that shown in the tables, because usury is undertaken on a large scale on terms of mutual agreement for which no official registration is done. A rapid survey conducted in Palajori block of the district by the Gazetteers Revision Sections in 1963 revealed that out of 31 families, 26 were in debt. The principal of the debt varied from Rs 30 to Rs 400.[30] The results of a pilot project study published in 1976 found that 72 per cent of the agricultural labour households were in debt, and the average amount of debt was Rs 137 per family.[31]

This district since the last quarter of the nineteenth century, has been the traditional supplier of labour for construction work in railways, the tea gardens of Assam and the Bengal coal mines. In a report submitted by the Deputy Commissioner in 1907, it is noted that 'the main factors which determine the extent of migration from the districts are the harvest and the *mahajans,* and the best season for recruitment is January or February'.[32] But by the turn of the century, the work in Assam tea gardens became unpopular with the migrants from Santhal Parganas, probably due to the harsh and inhuman conditions under which they were taken as indentured labourers. They obtained around half the wages of a free labourer in Assam, and much less than those who worked on railway construction.[33] The migration, however, continued. In 1916-17, and 1917-18, 11,000 labourers were recruited for the Mesopotamia campaign alone. Besides, there was recruitment for various government departments and also by the Tata Iron and Steel Co., all along.[34] A systematic recruitment for tea gardens through agents of the Tea Planters Association based at Dumka was carried up to 1953, when the agency was closed under Government orders.[35] Although no

TABLE 2A

INDEBTEDNESS IN SANTHAL PARGANAS

Year	*No. of licences registered for first time during the year*		*No. of licences in force at the end of the year*		*Amount of loan advanced*				*Total (in Rs)*
					With security		*Without security*		
	Rural	*Urban*	*Rural*	*Urban*	*Rural areas (in Rs)*	*Urban areas (in Rs)*	*Rural areas (in Rs)*	*Urban areas (in Rs)*	
1955-56	75	27	376	350	6,29,744	8,63,055	—	—	14,92,799
1956-57	77	22	251	445	3,36,421	6,88,615	—	—	10,25,036
1957-58	144	32	598	760	3,26,737	8,99,443	17,513	49,954	12,93,647
1958-59	332	451	218	38	4,60,637	20,200	84,384	10,000	5,75,221
1959-60	540	489	138	42	8,39,723	7,448	1,01,826	6,280	9,55,277
1960-61	2,633	103	149	5	5,08,532	32,346	1,16,320	6,356	6,63,554
1961-62	2,761	109	88	48	10,42,041	2,012	2,17,209	3,221	12,64,483

Source: Figures for the years 1955-56 and 1956-57 are from the *Bihar Statistical Handbook,* 1956, pp. 297-298; figures for the years 1957-58 are from the *Bihar Statistical Handbook,* 1957, p. 267; and figures for the remaining years have been supplied from the Registry Office, Dumka.

TABLE 2B

NUMBER AND AREA OF RAIYATI HOLDINGS SUBJECT TO TRANSFER OF OCCUPANCY RIGHTS BY REGISTERED DEEDS OF STATE

Year	*Entire*			*In Part*		
	Number	*Area transferred (in acres)*	*Consideration money (in Rs)*	*Number*	*Area transferred (in acres)*	*Consideration money (in Rs)*
1956-57	2,316	1,271.61	8,09,174	1,973	1,344.83	10,49,917
1957-58	2,015	1,081.63	12,13,256	1,897	805.54	9,94,138
1958-59	4	7.85	9,149	132	129.80	3,35,886
1959-60	218	90.65	1,14,526	460	169.65	2,78,262
1960-61	155	156.58	1,70,885	631	519.04	2,96,873
1961-62	2	1.00	449	272	365.00	1,52,592

Source: The figures for the years 1956-57 and 1957-68 have been taken from the *Bihar Statistical Handbook,* 1956, and the *Bihar Statistical Handbook,* 1957; and the figures for the remaining years have been supplied by the District Sub-Registrar, Dumka.

systematic data is available on migration, it can be inferred that the large scale annual exodus of labourers to Assam, West Bengal and lately to Haryana and Punjab, has become a common feature.

It is apparent therefore that the experience of Santhal Parganas, in spite of protective land legislation and specially designed administrative apparatus to enforce it, is no different from the rest of India; the British under their 'expropriatory mission',

> destroyed the traditional system of social relations and thereby, the existing unpropertied population was 'relieved' of its former sources of subsistence; on the other hand, it intensively enlarged the ranks of this stratum with expropriated people i.e. with people who had been relatively independent producers as small proprietors. As a result, by the time India achieved independence the unpropertied rural population had substantially increased.[36]

Besides the people expropriated during the British period, there always existed in Santhal Parganas as in the rest of the country, especially in areas like Deoghar sub-division, part of Godda sub-division and the alluvial belt between the Rajmahal hills and the Ganga, a sizeable group of unpropertied classes dependent on others. This was a feature common to the traditional social system of India based on caste. The active encouragement of the Santhals by the British in the eighteenth and nineteenth centuries to clear and settle in Santhal Parganas further swelled the number of this category.

From the preceding discussion it is clear that in Santhal Parganas a very high proportion of the population consists of those who hire out their labour for their living, and could be classified as the 'agrarian protoproletariat', 'a pauper in the fullest and absolute meaning of the word'.[37] Along with this phenomenon, the district is one of the most backward industrially, and its agriculture is almost totally dependent on nature and primitive methods. In a pilot project study, it was found that only 0.9 per cent of the gross sown area had any irrigation facility. During the preceding 15 years, only 34 per cent of the area had been brought under double cropping (too low for a district like Santhal Parganas); before 1963, of the surveyed families no one used fertilizers and pesticides, and at the time of study, only a mere 20 per cent and 64 per cent used fertilizers and pesticides respectively.[38] For every 100 cultivator

families, there were 123 agricultural labour families. This study was conducted in the late sixties and the results were published in 1976.[39] It is not at all surprising, given the long history of prevalence of bondage in the Santhal Parganas, that even now a large section of the agrarian population is linked to agriculture by the relations of 'rule and bondage'.

In the post-independence era, the first official attempt made in the district to tackle the problem of bonded labour followed the passing of the Bonded Labour System (Abolition) Act of 1976. Although the ordinance was promulgated in October, 1975, the follow-up action in the district began only in March, 1976, with the constitution of the District Vigilance Committee which held only two meetings until the end of 1982. Some meetings could not take place due to a lack of quorum. However, by the end of October, 1982, some bonded labourers had been identified and a portion of them rehabilitated as well. Table 3 gives an idea of the official attempts in this regard.

From Table 3, it is evident that the highest concentration of bonded labourers is in the Deoghar sub-division and in the Sarath block. The reason for this can be found in the sociological structure of these areas. Deoghar sub-division is perhaps the oldest settled area of the district, and along with Godda, it is one of the two sub-divisions with the highest concentration of upper caste hindus. There is, however, one difference between Godda and Deoghar. Whereas the majority of the upper caste settlers in Godda sub-division have come relatively recently, those in Deoghar have been there for many centuries. In the entire district, Sarath is probably the only block where the traditional landowning caste of Bihar, *bhumihars,* are to be found in a sizeable number. All five big *bhumihars ghatwals* (landlords) of the district had their estates in Sarath block. As in the other parts of Bihar, the land is distributed almost exclusively among the *bhumihars.* But in other parts of Deoghar sub-division, and particularly in Deoghar block, *brahmans* dominate the land-ownership pattern. This can be explained by the presence of a large number of *brahman pandas* (priests) of Baidyanath temple in Deoghar town. These priests, in the course of time, acquired land in the village and surrounding areas. The incidence of bondage is higher, consequently, in those areas where traditional Indian society has had older roots, and where ownership of land remains concentrated in the hands of traditionally dominant castes.

TABLE 3

STATEMENT OF THE PROGRESS OF THE REHABILITATION SCHEME FOR BONDED LABOURERS AS ON OCTOBER 31, 1982

1	*2*	*3*	*4*	*5*	*6*	*7*	*8*
Dumka :							
Saraiyahat	102	77	53	1,23,650	1,23,650	25	—
Shikaripara	5	—	—	—	—	5	—
Deoghar :							
Deoghar	271	271	268	3,77,000	3,62,399	—	11 found not qualified
Sarwan	48	39	36	1,56,000	1,45,500	9	—
Palajori	24	24	23	96,000	92,000	—	One labourer died
Sarath	360	250	210	5,00,000	5,00,000	74	Out of 250 approved, 40 have left their homes, 36 have gone elsewhere
Madhpur	40	—	—	—	—	40	—
Godda :							
Godda	12	12	12	44,000	44,000	—	—
Mahgama							
Mehrama							
Jamtara :							
Kumdahit	65	65	—	1,87,500	—	—	Rehabilitation Scheme for all 65 was sanctioned but the SDO later declared that these did not come under the category of bonded labour according to the provisions of the 1976 Act

1—Name of sub-division and block, 2—No. of identified and freed bonded labourers, 3—No. of bonded labourers approved for Government rehabilitation scheme. 4—No. of rehabilitated bonded labourers, 5—Amount sanctioned (in Rs), 6—Amount utilized (in Rs), 7—No. of bonded labourers whose rehabilitation schemes have been sent for Government's approval, 8—Remarks

Source: Deputy Commissioner's Office, Dumka (Santhal Parganas).

For the purpose of this study, Sarath block—where the *palhaite* and *kandh* forms of bondage have traditionally prevailed—was selected.[40] An attempt was made to examine the nature of the social existence of the bonded labourers in its various aspects. In 1983, a sample of 125 bonded labourer households was chosen and they were divided into two categories: *(a)* those identified, freed and rehabilitated by the government, and *(b)* those still in bondage. These households were selected from among the list maintained at the block level offices of the Block Development Officer. Of the 125 households, 75 belonged to the category which had already received the benefit of the government's rehabilitation scheme, and 50 had applications pending for disposal at various levels. In each category, one male and one female from every household was interviewed. For each household only one questionnaire was used, which included common questions for both males and females, as well as separate sets of questions for the two sexes. This type of questionnaire was especially helpful in deriving conclusions about attitudes to various social issues, insofar as it enables cross-checking and verification of the attitudes of the family as a whole. Field data were collected through the same set of questionnaires for both the groups, because even those belonging to the second group were found to be, either overtly or covertly, making efforts to free themselves and obtain the benefit of the government's rehabilitation scheme. The field survey covered five out of the nine villages of the block which were covered by the rehabilitation scheme of the government. Besides these, three more villages were covered. In both categories of villages, bonded labourers still exist.

On the basis of data collected in the field survey, the facts that emerge have been reduced to two sets for every variable for the two categories of the labourers interviewed. Besides these, some data regarding the attitudes, values and social psychology prevailing among the bonded labourers were also recorded and described.

The survey reveals that while the average age of the labourers belonging to category A (freed and rehabilitated) is 53.69 years, and the time spent in bondage is 36.37 years, for category B (still bonded) the average age is 42.92 years, and the duration for which they have been serving their masters is an average of 20.5 years (Table IV). Together their average age works out to 49.38 years and the service in bondage to 30.24 years. While the difference between age and period of service is manifest, there is not much difference

between the average ages of the two groups when they accepted bondage: these are 18.25 years and 18.42 years for categories A and B respectively. From these facts it appears that while the older bonded labourers were quick to seize the opportunity of freeing themselves and getting government aid, the newer ones realized it later. Those belonging to category A were perhaps under much less pressure from their masters because their usefulness, due to advanced age, might have been reduced, and they felt relatively less obstructed in their efforts.

These two categories may then be seen from the above analysis as representative of two generations of bonded labour. If we relate the above figures with the purpose and amount of loan taken, we find that between two generations, no significant change has taken place in the pattern of their life cycle. The majority of them, it is clear, get married before 20 and also lose one of their parents, for 64.33 per cent took loans to perform marriages, and 64 per cent to perform death ceremonies. Besides the purpose of such life cycle ceremonies, loans were taken either for house construction and repair, or for household consumption. While for the category A labourers, the figures are 29.33 and 5.33 per cent, for category B they are two and 24 per cent respectively (Table II). This can also be explained in terms of the working of the generation cycle. Between the two categories there is hardly any difference in the amount of loan taken. While the average amount is Rs 80.27 for category A, for category B it works out to Rs 86.14.

A high proportion of both the categories were traditional bonded labourers for more than one generation—the figure for category A being 83.75 per cent and that for category B being 80 per cent. The amounts which were advanced to most of them consisted, therefore, merely of renewal money.

Already 63.88 per cent in category A and 30 per cent in category B were indebted from earlier generations. The assessment of their state of indebtedness also corresponds to the preceding data. In category A, 26.66 per cent felt that their debt had increased since the time of acceptance of bondage; for 2.66 per cent it had gone down; and for 70.66 per cent it had remained the same. The corresponding figures for category B are 64 per cent, 0.00 per cent and 36 per cent ... The response of 2.66 per cent in category A might be due to the rehabilitation efforts of the government.

Analysis of the caste structure of the sample households (Table I) shows a very high proportion of scheduled castes in both categories. In category A they constitute 94.67 per cent, the *chamar* caste being the biggest single caste group (77.34 per cent). In category B they make up 82 per cent, and here the *musahars* form the largest group (40 per cent). In category B the proportion of backward communities goes up to 18 per cent compared to 5.33 per cent in category A. If we take Table I as representative of two generations, then we find that the process of newer sets of people being thrown into bondage, and the process of pauperization, goes unabated. This is further substantiated by the landholding pattern of the bonded labourer. While in category A the percentage of landless is 20 per cent, in category B it goes up to 26 per cent. This very clearly brings out the fact of continuing expropriation and pauperization. Table I also brings out the fact of 100 per cent landlessness among the *bauri* community, who as a semi-aboriginal tribe, enjoy special protection under the tenancy law of the district. This proves that no amount of legislative effort in the given framework puts an end to the land alienation of the small peasantry. The survey reveals that the average landholding of the households in category A is 0.68 acres and in category B it is 0.53 acres. Obviously neither of the two is an economically viable holding. In fact, the holders of such small units are the old *palhaits,* whose position we have discussed earlier, and the last settlement operations completed the formality of recording the land in their name. Yesterday's *palhaits* have become today's *munish*. Thus the historical continuum of the institution remains intact. Along with this the caste structure and landholding pattern of the master also reflect the traditional stranglehold on the means of production by the dominant master castes—the upper caste hindus. A mere 1.33 per cent in category A and two per cent in category B belong to the backward castes who kept bonded labourers. The average holding size of the masters in category A is 63.72 acres and in category B, 56.4 acres (Table III).

If we look at the households by the type of land on which their home is situated, the picture that emerges is one of the growing dependence of the bonded labourer on the master. Again taking the two categories as representative of the two generations, we see that in category A 84 per cent have their houses on their own land, while in category B, this is true of only 64 per cent. Those whose houses

are on the master's land constitute only 6.6 per cent in category A, while in category B, they account for as high as 26 per cent.

This survey indicates a larger average family size for the bonded labourer than the one computed for Bihar in Sarma Marla's survey. Besides, it also varies considerably between the two categories. For category A it is 6.46, while it is 4.5 for category B. This difference is probably accounted for by the variation of the average age of the two categories; while the respondents in the former category might consist of the heads of families including more than two generations, in case of the latter this may not be so. In category A households, an average of 2.92 persons or 45.2 per cent in a family worked for the master, while for category B the proportion is higher—over 3.01 or 66.88 per cent (Table VI). This is a feature that again reinforces the conclusion that the dependence of the later generation of labourers has grown over the years after independence.

The element of compulsion for the bonded labourer to work for the master only is manifest from the fact that only 13.3 per cent in category A and 18 per cent in category B got the opportunity to go out of their villages temporarily to seek employment elsewhere. Also, in category A 50 per cent, and in category B, all of them, went out with the permission of their masters during the lean season, when no work could be provided on agriculture for at least three months of the year (September to November). In category A, only 2.6 per cent went out with the family (women and children), and in category B ten per cent took their family along. All of them in both the categories worked in brick kilns during their absence from the village. The fact that such a small proportion migrates for work from among the bonded labourers of an area like Santhal Parganas—which possesses an insignificant proportion of double crop lands—is in itself a testimony to the prevalence of non-economic compulsion that ties the labourer down to his master.

The usual phenomenon of almost total absence of education is also revealed in this study. But what is striking here, if we again take the two categories as representing two generations, is the fact that the percentage of literacy among category B comes down significantly to a mere two per cent while in category A the percentage is 9.33. However, the percentage of school going children from the bonded labour household is broadly in the same range for both. In categories A and B, 5.29 per cent and six per cent of children respectively go to school. Householdwise, in category A 9.33 per

cent had school going children, while in category B, the percentage is six per cent.

The average wage for both the categories is roughly the same and there is no difference at all between the hours of work that bonded labourers in both categories put in for their masters. For category A respondents, the average wage works out to Rs 3.02, and for category B, it is Rs 3.26. Only 2.66 per cent and 26 per cent in the respective categories get wages higher than this. Those getting higher wages were found to be confined to a particular village where, it was learnt during the survey, wage struggles had resulted in a marginal increase of the wages. The hours of work universally remained at a minimum of ten hours going up to twelve hours a day. Besides this, during the harvesting season of paddy, the labourers have to plough the land of the master in the morning hours until the paddy plants are ready by noon for harvesting, without any wages. This form of *begar* or unpaid labour is known as *ukma* in the local dialect. They get one sixteenth of the harvested crop and no other remuneration, not even morning breakfast, which usually consists of 200 gms of *chura* on other occasions. During the paddy transplantation season however, they get a midday meal. The women get neither breakfast nor the midday meal, but their cash wages are the same. There is a difference in wages between a bonded labourer and one who is not bonded. While the latter gets five units of paddy of a container measurement called *paila,* the former gets only two of them. The wage of even the free labourer works out to much less than the minimum fixed by the Bihar government in 1974 for Santhal Parganas—two kg and 750 gms of paddy, and 500 gms of *satoo* for unirrigated areas, and for irrigated areas three kg of paddy and 500 gms of *satoo.*[41]

We find that the bonded labourer works and lives in a social environment which has meant little change for him. His existential conditions have not changed for the better even after the passing of the Bonded Labour Act and some rehabilitation schemes. The wages have, in real terms, tended to come down sharply. In 1953, according to an assessment made in the *District Gazetteer,* the wages of a ploughman varied from Rs 1.25 to Rs 1.50, which in real value terms is definitely considerably higher than the present average wage of Rs 3.25.

Before going into the long-term implications of the governmental efforts at identifying, freeing and rehabilitating the bonded

labourer, it is worthwhile to consider the functioning of the bureaucratic machinery responsible for accomplishing these tasks. We know that by the end of 1982, 935 bonded labourers were identified in Santhal Parganas, and out of these only 602 have received the benefits of the governmental rehabilitation scheme. In Sarath block, the first batch of the bonded labourers were identified and recommended for rehabilitation in 1976 but received rehabilitation aid only after a lapse of more than four years, in early 1981. Even now, out of our sample in category B, two cases from 1977, 15 from 1978, 18 from 1979 and 15 from 1980 are pending at various levels of administration and are still awaiting decisions. The role of the advisory committees at the district and sub-divisional levels can be well assessed by the fact that the District Vigilance Committee, since its inception in 1977, could meet only twice until the end of 1982. The Sub-divisional Advisory Committee of Deoghar had met only once during this period and in all other sub-divisions of the districts the relevant committees have not been able to hold any meetings at all in this period. The members of these committees contribute almost nothing to the deliberations of the meeting. In the District Advisory Committee, the contribution of only one member remained limited to the supply of information about the possibility of bonded labourers in a particular village. Only in the Sub-divisional Advisory Committee of Deoghar did a member challenge the report presented by the government official regarding the prevalence of bonded labour and the official efforts regarding the problem; otherwise, these committees, both at the district and sub-divisional levels, confined themselves to putting the seal of approval on the official claims.

The selection of members of these committees displays an utter lack of understanding of the problem of bonded labour; there are, for instance, members whose families have traditionally kept bonded labourers. For the bureaucracy, it is just another scheme to spend some public money in the name of welfare and development. The cases in Santhal Parganas reveal that by the time bureaucratic bottlenecks are overcome, the beneficiary has either left his permanent dwelling never to return (since this is the only course left to him to escape his master's wrath), or left the world itself. Personal whims of the officers have also played havoc with this scheme. In 1982, 65 identified bonded labourers could not get benefit of the rehabilitation scheme because a new Sub-Divisional Officer declared that they did not belong to the category of bonded

labourers according to the provisions of the Act of 1976; (this was at the stage when the rehabilitation scheme for these 65 bonded labourers had been approved and sanctioned). The fate of the Bonded Labour Rehabilitation Scheme in the hands of such a bureaucracy remains an open question.

On the basis of data collected in the survey, we can make an assessment of the impact of the government's rehabilitation scheme on the identified and freed bonded labourers. They are covered under category A in our study. We have classified them, on the basis of the occupational division which was inherent in the type of aid given to them, into five groups: *(a)* agriculture, *(b)* dairy, *(c)* rickshaw and dairy, *(d)* loudspeaker (for hiring out), and *(e)* musical instruments of band party and dairy. Except for the fourth group, no occupation was entirely new for them. On the face of it, aid material for the fifth group also seems unconventional, but it is actually not so. On festive occasions, it is the members of scheduled castes who traditionally play the music, and the aid for the fifth group was also meant to strengthen the traditional profession of aid receivers. This aid in cash and kind together was approximately of the value of Rs 2,500 for all groups except for a dairy group for which it amounted to Rs 1,500. The actual value may be slightly less because the aid in kind was purchased by government officials through contractors, and some money might have been misappropriated in the process.

All of them received the aid in the first three months of 1981. But within two years, at the time of our survey, 53.33 per cent of them had relapsed into the profession of agricultural labour and in almost all cases they work for the old master as well. This is not surprising: for 56 per cent of labourers, the aid provided helps them to earn their living only partially. Almost every one in group *b* has to supplement his living from other sources. The result is the reverse in the case of groups *d* and *e,* who have made use of the aid for earning their full living but their percentage in the total is a mere eight per cent.

Group *a* (agriculture) constitute 57.33 per cent of the total aid receivers. In this group the majority (32 per cent) have failed to earn their living completely from the aid. The rest (25 per cent) are engaged in sharecropping. In objective terms, the rehabilitation aid has, instead of freeing the receiver from the exploitation of the feudal agrarian system, integrated him in a different way by reducing him to the status of a sharecropper. Only 1.33 per cent of the sample

in category A incurred fresh debt after rehabilitation—though the proportion is small, the fact that it happened within two years of rehabilitation by the government cannot be lost sight of.

Our study has established that servitude and bondage has remained a continuing phenomenon in Santhal Parganas, and was given legal sanction since the Permanent Settlement of Bengal in the late eighteenth century. The Permanent Settlement brought a qualitative change in the property relations in land. The *zamindar's* greed for higher returns from his estate led to expropriation of small peasants on the one hand and the concentration of land in the hands of a few. While the peasants were driven out of their means of subsistence and left to survive on their own labour power alone, the *zamindar* necessarily had to depend on them for agricultural production and surplus. This fact ultimately led to various forms of bondage in agriculture. In Santhal Parganas, since a large portion of area was brought under cultivation after the Permanent Settlement, the expropriation of the peasantry and their induction into the ranks of bondsmen have been a simultaneous process.

In fact, in Santhal Parganas, it is difficult to say when a peasant became a *bhaolidar*, a *krishan*, a *munish* or a *harwaha*. But it is clear that through incessant evictions and other forms of alienation, a large number of agricultural labourers hired out their labour to survive much before independence. Thus the prevalence of bondage and servitude has always remained inextricably linked with a particular land-ownership pattern.

The colonial government tried through legislation, and administrative measures, including the survey settlement operations, to check the incidence of bondage by their efforts to confine the changing property relations within the framework of their scheme of 1872. But, it failed repeatedly because the scheme did not go beyond the basic postulates of the Permanent Settlement. In fact, the government, in its anxiety to insulate the *zamindars* from the mass of the peasantry, created within the peasant society, semi-feudal intermediaries who later became the catalyst for the stratification in society. Now, it is precisely these classes that maintain bonded labour for their agricultural operations in Santhal Parganas.

The present scheme of the government for the emancipation of bonded labour suffers from the same limitations. Earlier, this was treated as a temporary phenomenon and was sought to be abolished by government decrees and orders, or by some kind of patchwork

on the canvas of agrarian relations. The approach remains essentially the same—a relatively better drafted and stringent legislation and some material aid, are expected to liberate the bonded. We have seen in our study how superficial an impact this has had: it has worn out for most of the beneficiaries in less than two years.

The results of the rehabilitation scheme of the bonded labourer, if not for the government and bureaucracy, are nowhere near the expectations of the bonded labourers themselves. In our survey, as many as 85.33 per cent in category A, and 88 per cent in category B, opted for agriculture on land owned by them, sufficient to guarantee a decent living. Everyone of these labourers could see that the presence of big landowners was the stumbling block to their advancement. Again all of them in both categories, including those who opted for a profession other than agriculture, considered redistribution of land an essential precondition for their liberation. The deep yearning for equality and land among the rural poor that is revealed here, is not something new; they reflect attitudes and values which have grown in them in course of their interaction with the material reality which has deprived them of both equality and land. To them ownership of land denotes one's social status and, therefore, equality means equality in the ownership of land.

The present scheme has at best proved to be a temporary relief for the aid receiver without making any dent in the system of bonded labour. In our survey we have seen that the majority of the beneficiaries returned to their occupation of agricultural labourer and are in fact again on the verge of bondage. There are two cases in our study who entered bondage after the promulgation of the 1975 ordinance. Even the minority of beneficiaries who are earning their living fully from the aid, are either engaged in their traditional professions associated with their inferior position in the caste hierarchy, or in cultivation on others' land as *bhaolidars* or sharecroppers. Thus an overwhelming majority of them remain attached to the same set of production relations in agriculture which was responsible for their bondage.

The inevitable vicious circle continues, and will do so until a radical redistribution of land is carried out. The question to be asked is—Who will accomplish this—the government or the victims of the system? Our study points out some possibilities. Of the category A samples, 74.66 per cent have associations with political and mass organizations, and 88 per cent have the experience of participation

in struggles; and in category B, these figures are 90 per cent and 78 per cent respectively. All of them relate their achievements to their struggle and not so much to the benevolence of the government and its officials. There exists besides, the tradition ignited by the Santhal Rebellion, and the victories won by the Santhal people in the past—these inspire the masses to achieve the objectives which the present ruling classes are incapable of implementing through reform.

Notes and References

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3. *Ibid.*, p. 1.
4. See P.C. Roy Choudhary, *Santhal Parganas District Gazetteer,* Patna, 1965, pp. 86-91.
5. S.C. Mukherjee, *Santhal Parganas District Gazetteer,* Patna, 1938, p. 50.
6. H. McPherson, *Op. cit.,* p. 35.
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8. W.W. Hunter, *Annals of Rural Bengal,* London, 1864, p. 219.
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10. *Santhal Parganas Manual,* n. 2, p. XXI.
11. *Ibid.*, p. XXI. Also see McPherson, n. 1.
12. *Santhal Parganas Inquiry Committee Report,* quoted in P.C. Roy Choudhary, n. 4, p. 47; Regulation II of 1886; Alienation rules of McPherson's, Allanson's, and Gantzer's Settlement operations; also the present Santhal Parganas Tenancy (Supplementary Provisions) Act 1949; all these measures together tried to stop this practice but have not succeeded.
13. *Ibid.*
14. *Ibid.*
15. J.F. Gantzer, *Final Report on the Revision Survey and Settlement Operations in the District of Santhal Parganas, 1922-32,* p. 15.
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18. Gantzer, *Op. cit.*, n. 10, p. 15.
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23. *The Santhal Parganas Inquiry Committee Report*, n. 4, p. 34.
24. *Ibid.*, pp. 38-42.
25. *Ibid.*, pp. 39-42.
26. *Santhal Parganas Manual*, n. 2, pp. 126-127.
27. Mukherjee, *Op. cit.*, n. 14, p. 257.
28. *The Santhal Parganas Inquiry Committee Report*, n. 4, p. 34.
29. *Ibid.*, pp. 272-273.
30. *Ibid.*, p. 400.
31. Bose and Ghosh, *Op. cit.*, n. 12, p. 120.
32. Quoted in Mukherjee, *Op. cit.*, n. 14, p. 254.
33. *Proceedings of the Assam Labour Inquiry Committee in the Recruiting and Labour Districts*, Calcutta, 1906, pp. 74-78.
34. Mukherjee, *Op. cit.*, n. 14, p. 254.
35. Roy Choudhary, *Op. cit.*, n. 4, p. 394.
36. Victor Rastyannikov, 'Social Types of Hired Labourers in the Indian Countryside (1950-1960)', *New Indian Studies by Soviet Scholars*, 1976, pp. 67-68.
37. *Ibid.*, p. 69.
38. Bose and Ghosh, *Op. cit.*, n. 12, pp. 42-47.
39. *Ibid.*, p. 70.
40. It has been averred by Sudipto Mundle in his book, *Backwardness and Bondage* (1979), that bondage emerged as a relation in a tribal area similar in some respects to Santhal Parganas in the late nineteenth century due to monetization in agriculture, land sale and migration of labourers to Assam. This has already been argued to be factually incorrect by Suneet Chopra in his review of the book in *Social Scientist*, No. 91. I would merely add that this was not the period of peak migration to Assam, and the British were forced to set up an enquiry commission to look into the matter. Moreover, his conclusion that commercialization and capital formation in agriculture were responsible for bondage is also incorrect, even from his own sources. Finally, it is highly debatable whether the Permanent Settlement was responsible for commercialization and capitalist investment in land. In fact Utsa Patnaik, in an article 'The Process of Commercialisation in Colonial Conditions : A Hypothesis', (mimeo.) infers that the Permanent Settlement resulted in quite the opposite. The same view was taken by the British utilitarians who made a contribution to the evolution of Land Revenue Systems in India. (See Eric Stokes, *The English Utilitarians and India*, 1959.) Also, it is highly doubtful whether the commercialization of agriculture is in itself a sufficient condition to infer the development of specifically capitalist relations in agriculture.
Notification No. VI/W3-10537, L & E 2588, dated December 17, 1974. The current minimum wage as per Government order is Rs 8.50 since 1982.

TABLE I

DISTRIBUTION OF LABOURERS BY CASTE AND LANDHOLDING STATUS

Category		Caste: chamar	dom	musahar	bauri	rajwar	Other backward castes	All
All Labourers	A	77.33	5.33	6.67	5.33	0.00	5 33	100.00
	B	20.00	16.00	40.00	0.00	6.00	18.00	100.00
Landless	A	10.67	0.00	4.00	5.33	0.00	0.00	20.00
Landowning	A	66.67	5.33	2.67	0.00	0.00	5.33	80.00
Landless	B	4.00	4.00	8.00	0.00	6.00	4.00	26.00
Landowning	B	16.00	12.00	32.00	0.00	0.00	14.00	74.00
Landless	A	13.80	0.00	60.00	100.00	0.00	0.00	20.00
Landowning	A	86.20	100.00	40.00	0.00	0.00	100.00	80.00
Landless	B	20.00	25.00	80.00	0.00	100.00	22.20	26.00
Landowning	B	80.00	75.00	20.00	100.00	0.00	77.80	74.00

Note: Category A : Sample of 75 'freed and rehabilitated' bonded labourers
Category B : Sample of 50 bonded labourers awaiting rehabilitation.

TABLE II

DISTRIBUTION OF LABOURERS BY AMOUNT OF DEBT AND PURPOSE OF LOAN

Amount of debt (rupees)	Labourers in Category A	Labourers in Category B	Purpose of loan	Labourers in Category A	Labourers in Category B
0 — 50	39.2	44.0	Marriage	64.1	50.0
50 — 100	40.5	40.0	Death ceremony	1.3	24.0
100 — 150	17.6	8.0	House construc-		
150 — 200	1.4	6.0	tion and repair	29.3	2.0
200 + +	1.3	2.0	Consumption	5.3	24.0
All	100.0	100.0	All	100.0	100.0

TABLE III

DISTRIBUTION OF LABOURERS AND THEIR MASTERS BY SIZE OF LANDHOLDING

Landholding of labourers (acres)	*Per cent of total number*	
	Category A	*Category B*
Landless 0.00	19.99	26.00
Less than 0.50	48.00	48.00
0.50 to 1.00	6.67	18.00
1.00 and more	25.33	8.00
All	100.00	100.00
Average area, acres	0.68	0.53

Landholding of masters (acres)	*Per cent of total number*	
	Category A	*Category B*
Less than 10.00	8.10	6.00
10.00 — 15.00	40.54	12.00
15.00 — 20.00		34.00
20.00 — 30.00	14.86	16.00
30.00 — 50.00	6.42	8.00
50.00 — 100.00	16.56	16.00
100.00 + +	13.52	8.00
All	100.00	100.00
Average area, acres	63.72	56.40

TABLE IV

DISTRIBUTION OF LABOURERS BY NUMBER OF YEARS IN BONDAGE AND AGE AT INITIAL LOAN (PER CENT OF TOTAL NUMBER)

Years in bondage	*Category A*	*Category B*	*Age at initial loan (years)*	*Category A*	*Category B*
Upto 10	0.00	22.00			
10 – 15	2.67	2.00	Less than 15	4.00	8.00
15 – 20	25.33	40.00			
20 – 30	18.67	22.00	15 – 20	90.67	86.00
30 – 40	33.33	10.00	20 – 30	5.33	2.00
40 + +	20.00	4.00	30 + +	0.00	4.00
All	100.00	100.00	All	100.00	100.00
Average (years)	36.37	20.5	Average (years)	18.25	18.42

TABLE V

DISTRIBUTION OF MASTERS BY CASTE (PER CENT OF TOTAL NUMBER)

Caste	*Category A (75)*	*Category B (50)*
Bhumihar	84.00	96.00
Brahman	14.67	2.00
Backward Castes	1.33	2.00
All	100.00	100.00

TABLE VI

FAMILY STRUCTURE AND WORK PARTICIPATION OF BONDED LABOUR HOUSEHOLDS

	Average family size		*Number working for the master*	
	Category A	*Category B*	*Category A*	*Category B*
Male	2.18	1.64	1.17	1.46
Female	2.28	1.62	1.21	1.44
Child	2.00	1.26	0.54	0.11
All	6.46	4.52	2.92	3.01

TABLE VII

EDUCATIONAL LEVEL OF BONDED LABOURERS AND SCHOOL ATTENDANCE OF CHILDREN

Educational level of labourers	*Per cent of total number in*		*School attendance of children (Below 15)*	*Per cent of total number*	
	Category A	*Category B*		*Category A*	*Category B*
Illiterate	90.67	98.00	Non-school going	94.71	95.23
Class 3 and less	6.67	2.00	Class 3 and less	4.63	3.17
Class 4 – 6	1.33	0.00	Class 4 – 6	0.66	0.00
Class 7 – 9	1.33	0.00	Class 7 – 9	0.00	1.60
Class 10 and above	0.00	0.00	Class 10 and above	0.00	0.00
All	100.00	100.00	All	100.00	100.00

TABLE VIII

IMPACT OF REHABILITATION AID ON BONDED LABOURERS (CATEGORY A)

Aid category	*Per cent of total number*	*Amount of aid per head (rupees)*	*Per cent of total earning living*		*Per cent of total number*		
			partially	*in full*	*Taking fresh loan*	*Continuing as labourer*	*Too old to work*
1. Agriculture	57.33	2,500	32.00	25.33	0.00	32.00	1.33
2. Dairy	20.00	1,500	20.00	0.00	1.33	17.33	2.66
3. Rickshaw and Dairy	14.67	2,500	4.00	10.67	0.00	4.00	0.00
4. Loudspeaker and Dairy	4.00	2,500	0.00	4.00	0.00	0.00	0.00
5. Musical Instruments and Dairy	4.00	2,500	0.00	4.00	0.00	0.00	0.00
All	100.00		56.00	44.00	1.33	53.33	3.99

7

MIGRANT LABOURERS IN RURAL PUNJAB

Manjit Singh and K. Gopal Iyer

Agrarian conditions in the districts of Ludhiana and Hoshiarpur

The cultivated area in the district of Ludhiana can be divided into two broad agro-geographic zones, that is, the *bet* (adjacent to the river bed) and the non-*bet* area. Nearly 16 per cent of the area in the district lies in the *bet* zone, which was historically often affected by floods and waterlogging; disease was common.[1] As against five and a half acres in the non-*bet* area, the average landholding size in the *bet* area was three acres. Low standards of living and universal indebtedness marked the region. Independence coincided with the partition of the Punjab and the consequent influx of Hindu and Sikh migrants from West Punjab. In all, 3,02,482 Muslims left Ludhiana, and in their place came Hindu and Sikh migrants numbering 1,69,267. The Muslim cultivators in Ludhiana had very small holdings, whereas the Hindus and Sikhs had operated bigger holdings in Pakistan. The land abandoned by these immigrants in West Pakistan totalled 67.22 lakh acres as compared to 47.30 lakh acres in the state left by the more numerous Muslim migrants. Of the total immigrants, 46 per cent settled in the rural areas of the district and 54 per cent in the urban areas. A 'graded cut' had to be introduced in the allotment of land which increased with the amount of land controlled by the immigrants originally in West Pakistan (*District Gazetteer,* Ludhiana, 1970). In 1947 the area under tenancy was approximately 38.5 per cent of the total cultivated area and the owners controlled 61.5 per cent. In short, the situation in

this regard continued to be the same as it was in 1910. Agricultural modernization had not even begun in the district on the eve of independence. Use of tractors and tubewells, fertilizers, and improved seeds were almost unknown. The yield per acre of wheat was approximately five quintals and the yield rates of other crops were equally low. Land reform and land consolidation measures from the mid-fifties brought about a marked change in the pattern of land tenure and operation, creating the conditions for the development of productive forces in agriculture. This is apparent from the fact that the number of tubewells which was negligible in 1950-51 rapidly rose to 4,116 by 1965-66, while the number of tractors rose to 1,000. Fertilizer consumption also increased from near zero levels to 66.1 kg per acre of net area sown in 1965-66. The area under wheat cultivation doubled and the yield of wheat per hectare increased to 18.8 quintals. There was considerable increase in the yield rate of other crops like maize and cotton. The land reforms legislation had a significant impact on the agrarian structure, since landowners were legally permitted to evict tenants for the declared purpose of 'personal cultivation'. In the Punjab as a whole, the number of tenants declined sharply from over eight lakhs to less than a lakh by 1966. In Ludhiana, the occupancy tenants who operated 5.28 per cent of the total cultivated area in 1947 ceased to exist as a category by the end of the fifties.[2] The area under tenancy in the district was reduced drastically from 38.5 per cent to nine per cent of the total cultivated area by 1971. The cropping intensity increased from 124 in 1950-51 to 139 in 1965-66. The percentage of area under irrigation was 53 per cent by 1965-66 (see Table III).

The stupendous growth in agriculture within a short span of time led Frankel to observe that

> No state is more closely identified with the gains of the green revolution than Punjab, and within Punjab no district is more enthusiastically advanced as a model for emulation by other parts of the region and the country than Ludhiana.[3]

The achievements of the green revolution within a short period, that is, by the end of sixties, were quite spectacular. The various indices of agricultural development between 1960-61, and the early years of the green revolution (1968-69), showed striking changes. The area under irrigation increased more than thirteen times; and the

area under the New Mexican dwarf varieties expanded from a negligible acreage to 4.20 lakh acres, which accounted for 90 per cent of the total area under wheat cultivation. During the same period the yield rate per acre of wheat doubled; the number of tractors increased to 2,500 and the number of tubewells rose to over 18,000 by 1970-71. The role of the Punjab Agricultural University at Ludhiana was important, while government policy too was favourable to farmers. All the villages in the district were covered by primary agricultural credit service societies with a total membership of 1,42,698 (as on June 30, 1966) or 92 per cent of the rural population (*District Gazetteer*, Ludhiana, 1970). These cooperative societies advanced short term and medium term loans, while the land mortgage banks advanced long term loans for the purchase of tractors and tubewells. The benefits of mechanization were made accessible to a considerable number of farmers through extension of cheap credit for the purchase of tractors and tubewells. In addition to the favourable government policies, the opening of the Bhakra Dam, high ground water potential, and favourable land size, combined to boost agriculture.

The district was also reputed for its small industries: the city of Ludhiana is known as the 'small-scale industrial capital', owing to its unique position in the manufacture of hosiery, engineering goods and cycles. It is estimated that 80 per cent of the country's woollen hosiery requirement is met by Ludhiana, and its products are also exported to the USSR, the East European countries, Africa, the Middle East, and the Far East (*District Census Handbook*, Ludhiana, 1971). In 1961, 33 per cent of the population was living in the urban areas. These industries provided work to the landless families; according to the 1961 Census Report, the agricultural labourers constituted only eight per cent of the total work force and there was a dearth of labour during the peak season. Frankel observed that during peak periods, even in the sixties, the farmers in the Punjab relied on migratory workers from Uttar Pradesh to supplement the local labour force. The gains of the 'green revolution' in its first phase were reaped to the greatest extent by the big farmers and to a decreasing extent with a decrease in the size of landholding. The agricultural labourers, according to Frankel, also benefited to some extent by the success of the green revolution, but far less in proportion to the increase in the level of productivity. Obviously the changes attendant on the green revolution did not affect all relations of production equally.

The situation in the second phase of the Green Revolution (1971-1980) brought further changes in agriculture in this district. With regard to the major indices of agricultural development, Ludhiana tops other districts in the state. Its cropping intensity in 1979-80 was 172 as against the state average of 156. The fertilizer consumption per hectare for the district was 145.90 as compared to the state average of 92.25 kilograms. The yield rate per hectare of wheat (34.36 quintals) and paddy (34.43 quintals) was the highest in the state. The level of mechanization revealed that the number of tubewells per thousand hectares of gross cropped area in 1979-80 was 64.10, as opposed to the state average of 41.32. The tractor concentration was also highest in the district: measured in terms of the number of tractors per thousand hectares of the net area sown, it was thirty for the district against seventeen for the state. The area under irrigation increased to 92.2 per cent, almost reaching the saturation point. This is indeed a remarkable stride as only eight per cent of the total irrigated area was under canal irrigation and the rest was under tubewell irrigation.

Another distinctive feature was the shift towards commercialization. While the area under wheat had shown a marginal increase, the major increase had been observed in the area under paddy, which increased from 1.02 per cent of the gross cropped area in 1970-71, to 16 per cent in 1979-80. Nearly 55 per cent of wheat production and 92 per cent of paddy production is marketed. This was accompanied by an increase in the proportion of hired casual labour and a decrease in the employment of permanent labour. Towards the end of the sixties the Punjab attracted migrant labourers from Uttar Pradesh. The introduction of the labour intensive crop of paddy led to a further increase in the flow of migrant labourers, not only from Uttar Pradesh but also from Bihar.

The economic surpluses of the farmers rapidly increased with an increase in per acre yield of wheat and paddy. The observations of Frankel and Gill[4] clearly indicate that big farmers had a larger rate of capital accumulation than the small farmers: there was a decline in the proportion of cultivators and doubling in the proportion of agricultural labourers during the inter-censal period of 1961-71, but on the whole, the indications of proletarianization have been rather slow, owing to the unusually favourable position of the district with regard to growth of non-agricultural employment.

It would be worthwhile to sum up the transition in agriculture in Ludhiana from a precapitalist to a capitalist stage. On the eve of independence, agriculture in the district was precapitalist in nature. Family labour was predominant and the commercialization of agriculture was limited. Technology was at a very low level viewed in terms of indices such as application of fertilizers, adoption of HYVs or the level of mechanization. A considerable area was cultivated by tenants-at-will who paid a high rate of rent. Land reforms legislation, land consolidation and tenancy struggles created the initial conditions for changing land relations. Tenants-at-will were evicted by landowners on a massive scale and they joined the rural labour force. The area under tenancy declined considerably and the proportions of owner cultivators increased. All classes of cultivators lease in and lease out land, but the leasing-in is done today more by the middle and rich peasants. Jobless rural artisans increased the ranks of agricultural labourers as employment of hired labour increased with farm size. The opening of the Bhakra Nangal Canal system, and installation of tubewells and pumpsets and tractors, provided the basic infrastructure for agricultural development.

There has been a capitalist penetration in agriculture in the district though not accompanied by a correspondingly rapid growth in the process of rural proletarianization owing to the importance of small scale industry. While Ludhiana witnessed capitalist development in agriculture, the needed structural changes evolved gradually to heighten the contradiction between the upper and the lower strata of the peasantry. The capitalist tendencies have generated additional labour demand, and created an acute seasonal shortage of labour resulting in the massive influx of labour from Eastern Uttar Pradesh and Bihar, particularly during the second phase of the green revolution.

The development in agriculture in the district of Hoshiarpur was rather different from that observed in the district of Ludhiana. The district of Hoshiarpur lies in the sub-montane tract of the state. Before independence agriculturists, especially small peasants, were highly indebted. The lack of assured irrigation, the high density of population, and the smallness and fragmented nature of the holdings compelled a large number of peasants to seek their fortune in other professions—joining the army, moving to canal colonies and migration abroad. They could be found picking cotton in California, peddling goods in Australia, and policing the streets of Shanghai. The

race for acquiring education led in the early twenties, to a literacy rate among the *jats* of 37 per cent while the scheduled castes remained mostly illiterate.[5] The growth in literacy was associated with the search for outside employment opportunities, though the rate of educated unemployment was very high. It was so severe that in the early thirties there were 400 competitors for three posts in the post office. The unemployed sons of well-to-do cultivators did not want to do agricultural work; although the scheduled castes were interested in seeking employment like their *jat* and *rajput* brethren, they were prevented from doing so by the elites in the caste and class hierarchy. They were mainly employed as permanent farm servants and casual agricultural labourers (*Hoshiarpur District Gazetteer*, 1904, p. 93). They were, moreover, deprived of their rights in land.[6] Thus there were traditional forms of bondage already in existence in the area. 56 per cent of the land was under tenancy: a high percentage of the tenants were from scheduled castes and tenants-at-will with unfavourable terms of tenancy.

The district of Hoshiarpur on the eve of independence thus presented certain specific features as distinct from the average situation in the state. The exceptional population pressure, the small landholdings, the high degree of fragmentation, the low technical base of agriculture together with low yield, contributed to the quest for non-agricultural incomes. The consequence was not only a massive exodus abroad but also a diversification from primary to secondary and tertiary sources of income. It is necessary to understand the nature of agriculture in Hoshiarpur in the pre-green revolution period and the changes that took place following the green revolution.

The partition of the country following independence had serious repercussions in the Punjab that were also felt in Hoshiarpur District. Of the total displaced persons from West to East Punjab, nearly seven per cent were rehabilitated in the district of Hoshiarpur.[7] However, Muslims who left Hoshiarpur for West Punjab constituted a much larger proportion. There was a 7.5 per cent decrease in population in the district in 1951 as compared to the 1941 Census. The state as a whole showed a net increase in the population growth rate during the inter-censal period of 1941–1951 (0.2 per cent). The displaced persons who settled in Hoshiarpur were both peasant proprietors and non-cultivators. Nearly 52 per cent of them were Hindus, 40 per cent Sikhs, and seven per cent *harijans*. Immediately

after independence significant measures were undertaken to boost agriculture in the Punjab which included land reforms and land consolidation. By 1961, land consolidation work had been completed in 77 per cent of the villages in the district. Following the land reform measures, the majority of the occupancy tenants were evicted and a minority became proprietors through purchase. They constituted 19.38 per cent of the total cultivators in 1947. The tenants-at-will comprised 36.21 per cent of the total cultivators in 1947 and 30.67 per cent in 1961.[8] A certain proportion of the erstwhile tenants-at-will joined the agricultural labour force. According to the 1961 Census, the cultivators constituted 56.28 per cent and agricultural labourers 7.7 per cent of the total working force of the district. The size of the operational holdings was below the state average: those with landholdings of 7.5 acres and below accounted for 64 per cent of the total holdings in the district, as opposed to 49 per cent in the state.[9] One significant change was an increase in owner cultivators from 44.41 per cent in 1947 to 69.33 per cent in 1961. The land consolidation measures afforded some incentive to the cultivators to develop the productive forces. This is evident from the fact that tractors and tubewells which were non-existent in 1951 increased to 164 and 1,510 respectively in 1961 (cf. District Census of India, Hoshiarpur, 1961).

Irrigation through tubewells in 1961 covered 800 acres out of the total irrigated area of 38,600 acres. The area under paddy, maize and wheat increased marginally. The yield rate of the various crops in the district was still below the state average. The nature of agriculture in the district encouraged emigration to other countries and also diversification to non-agricultural occupations. The pre-green revolution period presented a dismal picture of agriculture in the district.

Following the implementation of the new agricultural strategy, significant changes were seen in Hoshiarpur. The percentage of net area sown increased from 50 per cent in 1951 to 64 per cent in 1979-80. The cropping intensity showed an upward trend, which was partly due to an increase in the area irrigated through canals and tubewells. During this period the number of tubewells increased from 1,510 to 19,799. The number of tractors per thousand hectares of gross cropped area increased from .057 in 1961 to 7.66 in 1977-78. A significant change was observed in agriculture as a

result of the biological and chemical revolution in the form of HYV and pesticides.

The question that arises is whether Hoshiarpur has been able to make a breakthrough in growth so as to be at par with other districts in the state. The facts belie this expectation: the yield per acre of different crops in the district is lower than the state average and lags far behind the relatively advanced districts like Ludhiana. The reasons, which are partly geographical and historical, act as constraints in the penetration of capitalist development in agriculture. The sub-montane tract in which the district is situated makes it difficult to benefit considerably from canal irrigation or from tubewells. The limitations of ground water potential was observed as early as 1915:[10] the cost of digging wells then and now is much higher as compared to other districts in the state because of the rocky nature of the soil and unfavourable ground water potential. Added to this is the relatively small size of the holdings. According to the 1971 Census nearly 92 per cent of the holdings in the district were below four hectares as against 77 per cent for the state as a whole.

These observations raise another important question—why does cultivation in Hoshiarpur require permanent labour and that too not the local labourers but the tribals from the Ranchi district? The answer to this is to be found in the agrarian conditions in the past and the changes that have taken place over a period of time. As indicated earlier, population pressure, small land size, poor technical base of agriculture, and other related factors pushed a large number of cultivators into searching for economic opportunities away from Hoshiarpur.[11] This manifested itself in large scale emigration abroad, employment in the army, migration to fertile tracts, and diversification from agricultural to non-agricultural activities.[12] The rise in the literacy rate opened up new avenues of activity and more and more people left cultivation in search of other work.[13] This led to an increase in the incidence of tenancy, but in the post-independence era the land consolidation efforts helped to reduce the area under tenancy and increased direct cultivation. A large number of cultivators in Hoshiarpur were engaged in agriculture and in other non-agricultural occupations at the same time.[14] With a decline in tenancy, the dependence on direct hiring in of labour increased. The necessity to engage relatively permanent labourers stemmed not only from the need to take care of agriculture but also for the maintenance and care of livestock. This was felt by both big

and small landowners. Data from the 1971 Census revealed that the percentage of agricultural labourers to total workers was on the increase. The scheduled castes were employed as agricultural labourers and even today they are primarily involved in wage labour. In the past the scheduled castes were not only deprived of any right to land but were also prevented from acquiring education lest the employer had a problem hiring agricultural labourers.[15] Though there were permanent farm workers among the scheduled castes in the past, there has been a considerable decline in their numbers over the years. They nursed a desire to acquire education and seek employment in the secondary and tertiary sectors. Over the years they have penetrated the literacy market in a big way, and their level of literacy rose to 29.16 per cent by 1971. This rise in literacy has not only enabled a large number of scheduled castes to enter the services, but many of them have also migrated to the Gulf countries. The scheduled castes constitute more than half the population of the villages around towns like Phagwara and are engaged in non-agricultural work (Mehta, 1980, p. 773). The increasing rate of literacy and the raised level of consciousness among the scheduled castes has created a difficult situation for the employers who are not willing to entertain their high wage demand. Their need for cheap and permanent labour has led them beyond the frontiers of Punjab in their quest for such workers.

In spite of the breakthrough in agriculture during the post-independence period, Punjab presents a picture of uneven development (see Table II). With respect to various indicators such as the percentage of net area sown to total area, area sown more than once, gross cropped area, cropping intensity, area under irrigation, percentage of area under HYV, application of fertilizers, number of tubewells per thousand hectares of gross cropped area and yield of principal crops, Ludhiana is above the state average and Hoshiarpur below the state average.

The striking variations in agrarian conditions in the districts of Ludhiana and Hoshiarpur generate quite different types of labour demands, as we shall see below.

The flow of seasonal migrant labourers from Bihar to Punjab

Seasonal migrant labourers travelling from North Bihar to Punjab face innumerable difficulties before they finally reach their

destination. Migration takes place on a large scale during the peak agricultural seasons in the Punjab when wheat is harvested, paddy transplanted and harvested. Wheat harvesting and threshing is spread over a period of one month starting from the second week of April to the second week of May. Paddy transplantation begins in the third week of June and continues till the end of July. Harvesting and threshing of paddy is spread throughout the month of October. The influx of migrant labourers is maximum during these periods. It is worthwhile to note that the peak season in the Punjab coincides with the lean season in North Bihar.

The labourers from North Bihar travelling to Punjab take one of the two routes—from Muzaffarpur via Delhi to Punjab or North Bihar via Lucknow to Punjab.

In order to have an idea of the difficulties faced by them during the course of their travel, the investigator spent a few nights at Ludhiana Railway Station, and also made short visits to other stations such as Rajpura and Khanna. The following account of the treatment meted out to migrants at the railway stations by ticket collectors, policemen, and prospective employers, are based on observations, interviews, and photographs. There are more migrants arriving in Ludhiana station than in any other railway station in the Punjab.

As labourers travel in large numbers during the peak season, the trains are packed to capacity and a large number of them travel on the roof of the train. They not only endure rough weather but also have to face other risks. The overbridges under which the trains pass and the loosely hanging metal wires could cause serious injury to those who are perched on the rooftop. Interviews with some of the labourers revealed a number of accidents involving severe and fatal injuries.

The difficulties faced by them in the course of the journey is merely the beginning of all their troubles. Other difficulties await them at the railway stations in the Punjab. As soon as the trains enter Ludhiana station, the ticket collectors and the railway policemen take their respective positions; when the migrants alight from the train, the ticket collectors and policemen check the tickets. Some of the migrants surrender their tickets even before they cross the overbridge to reach the exit. They are then accused of travelling ticketless. The labourers usually move in small groups with an informal leader. At the exit gate some of them are detained on either genuine or flimsy

grounds. They are then taken to the ticket collector's room which is crowded with railway policemen and prospective employers. Migrant labourers who are able to pay the amount of money demanded are immediately released, while those who show recalcitrance are even undressed to check whether they have hidden money in their clothes. If they do not have money, they are whisked away by prospective employers who pay the amount to the ticket collectors and policemen.

The labourers who manage to make their way out of the station are hounded by groups of employers who wait outside the station; some have even spent two or three nights at the station in search of labourers. Most of the migrants, who have visited Punjab in the past, not only know the village where they have to go but also know their employers. Reliable sources show that the flow of migrants was very high during April, 1980, (1,000-3,000 per day), but it was very low during the paddy harvesting season in October, 1980. During this season, labourers were 'caught' at the railway station and whisked away in tractors (*The Tribune*, October 2, 1980; *Punjabi Tribune*, October 23, 1980; see Appendix C). *The Tribune* (August 18, 1980, Punjabi edition) stated that approximately three lakh migrants visited the Punjab during April, 1980. A study on migrant labourers by Grewal and Sidhu (1979) estimates that around 2.1 lakh migrant labourers visit the Punjab every year during the peak period. It was observed in March-April 1980 that the migrants arrived in the Punjab in large numbers before the harvest season, but at the time of wheat harvesting in 1981, the migrants arrived close to the peak period. This had an impact on the wage fluctuation during this period. Labourers who visit Punjab in the month of April prepare to return to Bihar between the end of May to the end of July. Those who return by the end of May, work only during the wheat harvesting and threshing season. Those who return by the end of July are engaged in paddy transplantation as well. Some of them even stay back for the harvesting and threshing of paddy though there is another influx of migrant labourers during paddy harvesting season.

Seasonal migrant labourers

Two villages from the Ludhiana District were selected (one from the *bet* and the other from the fertile area) in order to study the

extent of the utilization of migrant labourers by employers, the wages paid to them and the socioeconomic characteristics of the seasonal migrant labourers (see Table I). Bassian in the fertile area is representative of intensive agriculture whereas the village of Udhowal representing the *bet* area shows a lower level of agricultural development (see Table IV). The village of Bassian was studied intensively with reference to the phenomenon of migrant labour. Hence 20 farmers (with varying landholdings), 25 local labourers, and 113 migrant labourers were selected from the village of Bassian, and 34 migrant labourers were selected from the village of Udhowal.

Interviews with farmers in the village of Bassian revealed that the sharecropping system was being replaced by fixed cash rent (see Table V). Leasing-in was found to be undertaken to some extent by middle cultivators operating less than 12.5 acres (14.34 per cent of area) while the bulk (85.66 per cent of area) was leased in by big landowners. Leasing-out was undertaken both by small and big cultivators. The smaller cultivators leased out owing to lack of means of production, while the big cultivators leased out plots of land which were at a distance and posed problems of management. A small proportion of owned land was mortgaged to shopkeepers and moneylenders (Table VI).

The labour utilization analysis showed that for wheat, 45 per cent of the labour was family labour, 35 per cent migrant labour and 20 per cent local labour (Table VII). On the other hand, for paddy, 35 per cent was family labour, 52 per cent migrant labour and 13 per cent local labour. All landholdings, irrespective of size, utilize migrant labourers for wheat and paddy operations during the peak period. Both local and migrant labourers were engaged on a piece rate basis. The employers entered into a contract with the labourers to fix the rate per acre. The wages for local labour were between 25 to 60 per cent higher as compared to those for migrant labour (Table VIII). It was a free wage labour system which was operative in the villages of Ludhiana for both migrant and local labour. The irregularities in payment of wages to seasonal migrant labourers were few and far between;[16] however money remitted by migrant labourers was often not delivered in time to their relatives.[17] Migrant labourers could get work for one month during the harvesting of wheat and for one month during paddy harvesting. As the influx of migrant labourers increased over the years, the employers, who previously paid both in cash and kind (food),

stopped giving food; they had now to prepare their own food (unleavened bread or *roti* prepared from flour, or rice with salt and chillies). They were able to save between Rs 500 to Rs 650 in four to six months, after meeting their food expenses and railway fare. In between the peak seasons they were usually unemployed. The net daily earning after taking into account their food expenses and the number of days of unemployment, was on an average between four to five rupees. During the normal agricultural season in Bihar the daily wages are in this range. This shows that if alternative employment opportunities are available in Bihar with the daily wages between four to five rupees, the flow of migration could be stopped. The local labourers who work full time as agricultural labourers get nearly 160 days of work in a year. The piece rate system has increased the participation of female and child labour among the local agricultural labour families. Trading in wheat by-products has generated an additional labour demand in the village which, on an average, provides work to 60 to 75 workers every day for ten months in a year. The migrants were drawn from backward castes and were usually young men. Indebtedness was universal among them and they borrowed from moneylenders to cover their railway fare from Bihar to Punjab.

Precapitalist methods of exploitation

The foregoing discussion has explained how capitalist development in agriculture in Ludhiana is associated with wage labour exploitation under free wage labour conditions. An attempt is made to highlight the precapitalist methods of labour exploitation practised by farmers in the villages of Hoshiarpur. In order to examine this, three villages were selected from the Tanda Block in Hoshiarpur District and one village from Jullundur District. 35 labourers from the district of Ranchi, who were employed by farmers in the villages of Hoshiarpur, were interviewed to understand their condition. They were engaged not only to meet the immediate peak season labour demand but to work for a long duration; for instance, they performed all agricultural operations including the care of farm animals.

While the labourers from North Bihar usually work as seasonal labourers in other districts of the Punjab, the tribals are usually engaged to work in the district of Hoshiarpur. The labourers from North Bihar migrate voluntarily, but the tribals are usually recruited by intermediaries; this functions as a three or four tier system. Recruiting

agents at the village level in Ranchi District belonging to upper castes among the hindus, mobilize the tribals at the village level and hand them over to another agent at Hatia or Pokhla stations near Ranchi. The second agent accompanies them from Ranchi to Hoshiarpur and pays their railway fare and keeps them semi-starved during the journey. In the district of Hoshiarpur, the tribals in groups of twenty to 100 are taken to the main agents who can be described as the 'new slave-traders'. Some of these 'slave-traders' are school teachers[18] while others are farmers themselves.[19] The tribals are each disposed of for a sum of Rs 300 to Rs 400 to employers, who regard this as a wage advance, and on engaging the tribal labourers do not pay them any cash wages for the first four to six months. The tyrant landlords extract work from them through physical coercion and flogging. There were several cases of labourers who were severely beaten and had scars on their bodies. One labourer's shoulder joint had been dislocated after a severe beating. Another labourer had been pierced by a nail on his forehead. The landlords keep them under constant vigil and even lock them (in rooms which are like cattlesheds) at night. There are instances of work extracted from tribal women and children. Sometimes, tribal labourers have made attempts to escape under the cover of darkness to free themselves from the clutches of tyrant landlords. While physical coercion together with forced labour is not a universal phenomenon, bondage due to economic compulsion, particularly debt bondage, is rampant in the district. The employers have to pay the agents Rs 300 to Rs 400 for each labourer, and this is considered a debt incurred by the tribal for which he renders three to four months of unpaid labour, being given only his two to three meals a day. At the end of this period, a monthly wage of Rs 60 to Rs 80 is fixed. The wages are not given to the labourers at the end of each month lest they run away. There were many instances where tribals had worked for several months without wages being given to them so that they were compelled to escape from this tyranny. There were farmers who would engage the tribal labourers for a few months and would force them out without any wages or with only nominal wages. Some employers would pay the labourers regularly though the wages did not exceed even half the amount of minimum wages fixed. In such a situation one would expect that the labourers who were able to escape this brutal exploitation would not return to Hoshiarpur. But there were a few labourers who returned to Hoshiarpur to work

for other employers. This only underlines the fact that the conditions in their villages in Ranchi District are so miserable that they are not even able to afford two meals a day. The answer is to be found in the concept of the 'subsistence ethic' of a tribal peasant.

Bondage under a tyrant landlord

The village of Talwandi Aabdar, near Bhogpur in Jullundur District, is well known for its harsh treatment of labourers from Bihar. Reminiscent of the recruitment of labourers for the tea gardens in Assam towards the end of the nineteenth century and the beginning of the twentieth century, it is a testimony to the penetration of the capitalist mode of production while preserving feudal relations of production.

In December, 1980, a group of seven labourers from the Saharsa District of Bihar were kidnapped at Jullundur Railway Station while they were returning from Jammu where they had worked for some time. Two or three musclemen lured them with promises of daily wages of ten rupees in addition to food and clothing. They were to be engaged for construction work. They accompanied the men in a car to a landlord's farm in the village. But when the labourers enquired about the site of the work, the recruiting agent replied with heavy blows on their faces and backs. The labourers were locked in a small room along with another group of twelve labourers. They were not allowed to leave the room even to urinate; the room was locked at night and a watchman kept vigil outside. Within two to three days of their arrival, three labourers managed to escape from the place. As the respondent's brother was one of the three who escaped, he had to face the consequences. He was thrown on the floor and beaten mercilessly in front of the other labourers as an example. They were forced into agricultural work, and beaten if the master felt that they were not working hard enough. The respondent had scars on both his hands, and one of his finger nails was badly torn.

On one occasion, when the labourers were cutting some trees for fuel, one of the labourers was beaten and flogged with a sugarcane stick on his legs for being slack in his work. On another day five labourers were ordered to lift a tractor cultivator from the field and carry it to the landlord's house. As the equipment was heavy, one of the labourers could not lift it properly; this invited the master's

wrath. He was badly beaten, and his shoulder joints were injured. In spite of this injury, the labourer was forced to work. The labourers were not sure who would be the next victim of the master's wrath. When a labourer did not clean a tractor to the satisfaction of his master, the master pierced a needle (used for stitching gunny bags) into the right eye of the labourer; the needle missed the target and struck his eyebrow. The respondent tearfully narrated this horrifying experience.

The labourers were usually underfed. They were given two to three *chapatis* twice a day and mustard *saag* (a kind of spinach). The *chapatis* were made of wheat and stale dry peas not used even for the master's cattle. The respondent, along with four labourers, managed to run away on the pretext of going to the toilet at night. Each one of them went in a different direction so that not one of them knew where the others had gone.

This landlord has been involved in similar operations earlier on a much larger scale. He owns farms in Himachal Pradesh and Mukerian in Hoshiarpur. He requires a large contingent of labourers to work on his numerous farms. He is generally on the hunt for cheap labour, with the aid of his employed armed musclemen. A report in the *People's Democracy* of August 26, 1979, states that the armed strongmen of the employer picked up fifty to sixty labourers of Uttar Pradesh and Bihar from Jullundur and Ludhiana railway stations. They were forced to do heavy work under the supervision of these strongmen; beating and torture was quite common. (*People's Democracy*, August 26, 1979, pp. 11-12.)

Such incidents are not rare. The difficulty lies in contacting these cases, which are constantly kept under close vigilance. The labourers, completely alienated and helpless, easily become the target of this 'culture of repression' from which they try to escape at the first opportunity. Even escape is fraught with severe consequences as seen in the case of a father and his two sons who were bonded and subjected to extreme physical torture for a period of more than four years (*Indian Express*, Chandigarh edition, May 8, 1981, p. 4).

Other acute cases of bondage

An erstwhile professional recruiting agent of tribal labourers of Jaja Village, now settled in agriculture, illustrates the behaviour

pattern of the typical employers of this area who engage labourers under bonded conditions. He was so well-known as a recruiting agent that any tribal in that area would immediately identify him. An insight into the conditions of the labourers employed under him was obtained from the interviews of three labourers who were working under him at the time of interview—January, 1981. This employer owned nearly fifteen acres of land and a few heads of cattle. He operated his own flour mill. The labourers employed under him had to perform agricultural operations, tend to cattle, and work in the flour mill which was operated at night. At the time of the interview three male labourers and one female labourer were working with him.

The seniormost worker was a 40 year old tribal from Ranchi. He looked old for his age, and his face was a reflection of the wretched state in which he had been working for the past few years. During his first visit in 1972 he was trapped by a tribal agent from his native village in Ranchi. He was brought to Punjab and disposed of to his present employer for a sum of Rs 100. At that time he was suffering from tuberculosis, and the employer spent Rs 300 on his treatment in Jullundur. After working with this employer for three years he went back to his village.

Four months later he returned to Punjab through a recruiting agent. This time he was disposed of to an employer in Bhogpur in Jullundur District for Rs 200. He worked here for only fifteen days as the working conditions were very difficult. He escaped, and went back to the first employer, after covering a distance of nearly twenty kilometres on foot. He has been working for this employer since, for the last eight years, and has not married. The employer has not given him any wages and has been making false promises as yet unfulfilled. The only concession offered to him was part payment which during the last eight years has added up to Rs 120. He is bonded to his master and works without cash wages. Other labourers working under this employer shared the same conditions of economic bondage.

The second respondent, a 15 year old tribal lad, came to Punjab two years ago. He was trapped by a tribal agent from the village of Orari in the Ranchi District, who lured him with promises and took him to Punjab. He travelled with nine other tribal labourers who were also lured by the 'vision of plenty' in the Punjab. The tribal agent met the travel expenses and handed him over to the veteran recruiting agent at Tanda. The respondent was disposed of to the

present employer. Though young in years, he was sensitive to the situation he was in and understood well that this employer was reputed for extracting work but not for paying wages to his workers. He tried to escape after working for two months but was caught after a few days. By January, 1981, he had put in twenty-two months of work with this employer, for which period he was paid only Rs 100. He was deprived of the promised clothes and sandals which were part of the wage agreement. He yearned to return to his native village and see his mother. Like the other labourers working for this master, he had to work in the fields, tend the master's cattle, and work at night in the flour mills. He was not allowed to send any letters to his parents. By the end of the interview, tears rolled down the young boy's face and he wanted to know if there was any possibility of his being rescued.

The third respondent, a 30 year old tribal belonging to Rehaldag Village (P.S. Bishanpur, P.O. Binari, Ranchi District), came to Punjab in January, 1976, along with his wife and 16 other tribals through an agent. All of them took the train from the nearby railway station and as usual they travelled under semi-starvation conditions. They were taken to the residence of an employer who extracted from them some days of free labour. The respondent and his wife were disposed of to another employer in Jauru Village (near Talwara). The couple worked there for one year without any cash wages. They then returned to the present employer, covering a distance thirty kilometres on foot. They worked here for a year (for which they were paid a paltry cash sum of Rs 100) before they were again sent back to Jauru where his wife gave birth to a child and was forced to work five days after her delivery. The couple came back to the present employer and had worked for thirty-two months for which they had received Rs 1,000 only.

Cases of economic bondage

There were several cases where the employers promised notional wages but did not pay them lest the labourers ran away. Such tactics are invariably used by employers. The following case illustrates the nature of economic bondage.

This case throws light on methods of recruitment, including that of tribal women, and the non-payment of wages. The person in question,

an illiterate tribal (Village Shahpur, Chappertoli, P.S. Kolibera, P.O. Lassia, Ranchi District), is 25 years old. He has visited Punjab three times. The first time he was recruited through an agent of the *teli* caste (near Pokhla) along with a hundred other tribals. All of them were taken to the head agent at Tanda where one of the tribal women met with a fatal accident as she alighted from the train at night. During the journey, the labourers were fed only puffed rice *(chirua).* The demand for the labourers was so high that the very same day 95 of them were disposed of to employers. The respondent was employed by a farmer in Miani Village near Tanda, where he worked hard for a year and was paid Rs 60 in cash per month. He left this employer because of the hard work and returned to his native village in Ranchi District. He got married and went back to the same village, Moonak, and worked for another employer for Rs 60 per month for a year. He was given the fixed cash wage. He returned to his village and went with his wife to another village, Hariana, where they worked for an employer for twenty-two months, the combined wages of both added up to Rs 100 per month. Apart from agricultural work, they had to do all the household work and the work connected with livestock. They returned to Bihar and stayed in their village for a year, and then went back to the Punjab along with two other women who were close relatives, and a child of 12 years. All of them had been working for employer Piara Singh of Moonak Village for the past one year. The cash wages were agreed at Rs 60 per month for males and Rs 40 per month for females and children. Together they earned nominally around Rs 220 per month. The wages which were fixed turned out to be notional. As happens so often, they were paid only Rs 700 after having worked for a year, instead of the Rs 2,640 due to them. The tribals invariably fall a prey to such exploitation.

A 20 year old member of the Nagbansi tribal community (Lotra Village, P.S. Gumla, P.O. Palkot, Ranchi), has worked both in Hoshiarpur and Jullundur for the past five years. His tale of woe and frustration reveals how non-payment of wages prevented him from going back to his native home. He came to Tanda in a group of ten, which also included a tribal woman, through an agent of the Village Dohpani Sowarikona of Ranchi District. The respondent was disposed of to an employer of Bassi Village (Tanda) for Rs 225. He worked with this master for a year and nine months, and received a sum of Rs 900 for this period, but the money was snatched away

from him by some miscreants at Jullundur Railway Station. The respondent was on his way back to his village but had to give up his plans as he had lost all his money. He returned to Bassi Village and started working for another employer for whom he has been working for over two years. His wages were fixed at Rs 80 per month. The employer owns four acres of land and six heads of cattle, but he has not paid any cash wage to the respondent who is anxious to get the amount due to him and go back to his village home.

Child labour

Cases of child labour were observed from time to time. One such case relates to a boy of 12 years who belonged to the village of Durgapur in the district of Saharsa. He came to the Punjab with a group of five labourers. Initially, he worked for an employer in the Badal-Johal Village in Jullundur District and was paid Rs 40 per month. He was engaged mainly to tend the cattle. He left after working for seven months and worked at a construction site in Jammu for one month where he was paid five rupees a day. He is now employed in Garhi Bakhsha village in Jullundur District, where he has been working for the past five months without being paid any cash wages, or the clothes he was promised.

Another case relates to a girl of 13 years of a village in Ranchi District, who was kidnapped from Muchrowal Village in Jullundur District by her present employer, who has treated her badly and beaten her regularly. A 14 year old tribal boy belonging to Nidhiajoidha Village in Ranchi District was brought by an intermediary of Kadian Village, where he worked for four and a half months. He was forced to do heavy work. In desperation, he ran away and found work with another employer in the same district. His second employer was also harsh, burdened with a heavy load of work, he left him after two months. He was paid only Rs 100 for two months of work. Next, he worked for an employer in Moonak Village (Tanda) who was no better than the previous employers. He agreed to pay Rs 60 per month, but after four and a half months, he decided to pay him only Rs 50 per month. He ran away to escape this exploitation and began work in a cold storage a few kilometres away from the village. But his last employer caught him after a week and threatened to have him arrested if he attempted to escape again. Though he wants to return to his native village, he is unable to liberate himself from bondage.

Employment of tribal labourers beyond the frontiers of Hoshiarpur District

The recruitment of tribal labourers through intermediaries has, of late, been extended beyond the frontiers of Hoshiarpur District. This was revealed by one tribal labourer (of Jhuria Village, Ranchi District), who escaped from the custody of the recruiting agent in the village of Saharanpur in Taran Tarn *tehsil* of Amritsar District. In 1980, the recruiting agent rounded up forty-five labourers from five or six villages in Ranchi District. The labourers were promised food and high wages. The labourers' railway fare was met by the recruiting agent but twenty of them escaped enroute as they sensed foul play. The other twenty-five labourers, including five women, were brought to the village of Saharanpur and disposed of to different employers for sums ranging from Rs 300 to Rs 400. They wanted to escape from this bondage but could not find a way as they had no cash. There was no alternative but to work for the employer for six months. There were two other labourers from Ranchi (belonging to the *munda* and *lohar* communities) who worked for this employer. They managed to escape, and as a result, the vigil over the respondent and his wife increased; they were also not paid even a single paisa by their employer. The respondent's wife was four months pregnant. He wanted to escape and began borrowing small amounts from his employer, ostensibly for his tobacco, and was thus able to save Rs 25. On one occasion, when his employer asked him to irrigate the field after it was dark, he decided to escape. He instructed his wife to reach the site of the tubewell, and under the cover of darkness, they set out for Taran Tarn, a distance of nearly thirty-five kilometres. Later, they managed to catch a train and reach the village of Jaja (Tanda) where they have been for the past six months.

Harassment of labourers due to inter-employer rivalry

A labourer from the district of Ranchi (Hisua Village, Jattanitoli) worked with an employer in Moonak Village in early 1977. The employer was brutal and did not pay any wages. The labourer left, and joined another employer in the same village. The first employer got the labourer arrested in June, 1977. The second employer got the labourer released and managed to file a case against the earlier employer. However, the first employer succeeded in getting the labourer rearrested in June, 1978, on the charge of stealing jewellery

worth Rs 10,000. The present employer paid bail for his release. After a lapse of a few months, the first employer got the labourer arrested in early 1979. The labourer was again bailed out with the help of the second employer. Finally, both the employers came to a compromise and withdrew their cases; and the labourer returned to Ranchi with a paltry amount from the second employer.

This case illustrates the extent of inter-employer rivalry prevalent in this area. This rivalry also means that employers do not permit their labourers to interact with anyone in the village.

Another question which arises in this context is the need of farmers in Hoshiarpur to look for labourers, not to meet the peak season demand, but for long duration work. The reasons are partly historical and partly embedded in the conditions of agriculture in the district of Hoshiarpur. This district, as mentioned earlier, lies in the sub-montane tract, and has highly fragmented small holdings, and the highest population density in the united Punjab; the farmers in this district have been compelled to turn to non-agricultural activities. As a result, a large number of them joined the army or migrated to other districts in the Punjab to engage in agriculture; others took up jobs in urban areas, or even migrated abroad. There was a spurt in the literacy level which rose to 37 per cent by 1920.[20] The percentage of educated unemployed among the agricultural families also increased. The educated unemployed youth refused to engage in agricultural activities, as a result of which the tenancy level rose very high. The scheduled castes were mainly employed as tenants, permanent farm servants and casual labourers. While post-independence developments did transform the nature of agriculture in Hoshiarpur, its level of productivity continued to be below the state level. This is to a great degree linked with the geography of the district. The conjuncture of features which marked the economy of the district in the past—migration, and the cultivators combining agricultural with non-agricultural activities—continue today. The post-independence period witnessed a growth in several fields. The high literacy rate among scheduled castes contributed to their diversification to non-agricultural occupations. During the past few years there has been a phenomenal rise in their migration to the Gulf countries. Those who are left behind to work as agricultural labourers prefer to work as casual labourers rather than as permanent ones. The Hoshiarpur cultivators were in dire need of permanent labour, not only to cultivate the land, but also to take care of livestock farming. Towards the end of the sixties, tribals—seen as hard-working,

as well as meek, were brought to Hoshiarpur. This was the beginning of the virtual 'slave trade' in the district, which increased over the years. Today a few tribal labourers can be seen working in the villages of this district. The 'slave trade' has not been restricted to the district of Hoshiarpur, and has spread to other districts—Jullundur, Amritsar and Ganga Nagar. It would be difficult to estimate the number of tribal migrants to the Punjab. According to available information, there are approximately fifteen to twenty tribals in each village of Tanda *tehsil* and in the neighbouring *tehsils.* In other words, it would not be wrong to conclude that around 10,000 tribals are engaged in agriculture in the Punjab, which is less than five per cent of the seasonal migrant labourers coming to the Punjab every year. There is a qualitative difference in their working conditions.

It has been observed that capitalist agriculture in Hoshiarpur is accompanied by precapitalist methods of exploitation, whereas free wage labour exploitation dominates the scene in Ludhiana agriculture. This supports the contention that commercialization of agriculture could be combined with capitalist, as also precapitalist, methods of exploitation of labour.

An analysis of the historical situation in Bihar suggests that its structural conditions with respect to its agriculture are not homogeneous. North Bihar is a densely populated area; the penetration of British capital ransacked its rural economy resulting in massive proletarianization, a process which was intensified towards the end of the nineteenth century and which continued unabated in the twentieth century. On the other hand, the introduction of the *zamindari* system in the Chota Nagpur plateau wrought havoc among the tribals. The two situations had a different impact on the migration of the rural poor both in the past and present.

The tribals were recruited in large numbers towards the end of the nineteenth century, and in the beginning of the twentieth century, to work in the tea gardens of Assam. The agrarian situation in Chota Nagpur, characterized by feudal exploitation and perpetuation of generational bondage, had an impact on the patterns of migration. They were recruited through intermediaries who exploited them and treated them cruelly, and many died in the process. North Bihar, on the other hand, had a semi-feudal type of agriculture—there was a high proportion of pauperized peasantry who migrated in large numbers to work in the industries of Calcutta and other

places. The pattern of migration was of a more voluntary character: the process of migration was a direct consequence of the colossal ruination of the peasantry due to British revenue policy and the setting up of proto-capitalist enterprises such as tea plantations, mines and factories. In short, migration was the outcome of a feudal or a semi-feudal mode of production in agriculture, confronted with the development of private property in land.

Bihar still reflects the reproduction of the semi-feudal tendencies of the past. The only option open to the reserve army of proletariat in North Bihar and the pauperized tribal peasantry of Chota Nagpur is escapė to an alternative elsewhere: the agriculture in the Punjab is one such avenue. The massive reserve army of proletarian and semi-proletarian peasantry from North Bihar forms the bulk of the migrants. They migrate voluntarily in large numbers to various parts of the Punjab, particularly to its developed pockets of agriculture. On the other hand, the pauperized tribals constitute a small proportion of the total migrants to the Punjab.

The patterns of migration from North Bihar and Chota Nagpur are along the same lines as in the past. The tribals lack the means to migrate long distances. Recruitment is done mainly through intermediaries. Semi-feudalism is a common factor promoting migration from both North Bihar and Chota Nagpur to the Punjab, though there are certain specific factors in both the areas which explain the difference in the nature of migration.

The study also illustrates how differences in the character of agriculture in Ludhiana and Hoshiarpur led to a difference in the modes of exploitation of the migrants. The recruitment of tribals to Hoshiarpur District followed the intermediary system of recruitment, following, as seen in the past, the recruitment of tribals to the tea gardens in Assam towards the close of the nineteenth century and the beginning of the twentieth century. The tribals were sold to the individual employers in the district of Hoshiarpur.

On the other hand, the seasonal migrant labourers from North Bihar to the district of Ludhiana do not face the same situation as the tribals. The capitalist penetration in agriculture in the district of Ludhiana led to a heavy demand for migrant labourers who dominated the rural labour market, and even threatened the employment and wages of the local labourers. The *jat* landowners of the Punjab, particularly those belonging to the upper strata, not only prefer cheaper migrant labour to local labour, but have also

withdrawn from 'family labour'. The mode of payment has changed from daily wages to a piece-rate basis so as to reduce the landowner's supervisory function. The free wage labour system is a dominant feature of agriculture in Ludhiana, yet there are stray instances of short payment of wages to seasonal migrant labourers, and occasional incidence of cruelty towards them. The treatment meted out to some of them at the railway stations is characteristic of precapitalist methods of exploitation. However, as the migrants are getting increasingly familiar with the conditions in the Punjab they are, to some extent, able to free themselves of these exploitative forces. It is the newcomers among the migrants who are most vulnerable. Some of the older seasonal migrants have a tendency to settle down permanently in the Punjab, and this is encouraged by the farmers.[21]

The labour enforcement machinery of the Punjab Government is indifferent to the problems faced by migrant labourers in the state. The labour department officials visit neither the railway stations nor the fields to investigate whether the migrant labourers receive minimum wages. The tribal migrants in Hoshiarpur need immediate relief: they are not only paid low wages but are lured by recruiting agents who lead them into the trap of bondage.

Capitalist development in agriculture in the district of Ludhiana has generated an additional labour demand and absorbed the influx of migrant labourers: the capitalist penetration in agriculture in Ludhiana District is consistent with the capitalist methods of exploitation in the form of free wage labour. On the other hand, the limited development of agriculture in the district of Hoshiarpur along capitalist lines, and the specific geographical conditions, have led to precapitalist forms of exploitation of tribal labourers.

Appendix I

Accidents During Journeys

The labourers travelling on the roof of the train meet with accidents occasionally. It is difficult to document this phenomenon, but certain cases, reported by labourers in the course of their interviews, are listed here.

Case 1 : Ram Balak (of Gangraho Village, P.S. Bakhri, P.O. Mohanpur, Begusarai District) revealed that during November, 1979,

when returning from Punjab to their village in Bihar, two labourers who were travelling on the roof of the train met with an accident when their heads struck against a bridge. They died on the spot.

Case 2 : The interview of Joginder Sahni (of Samar Village, P.S. Nanpur, P.O. Mehsautha, Muzaffarpur District, Bihar) revealed that in August, 1979, a labourer named Ishraul (of Bela Village, P.S. Supaul, Saharsa District) met with a fatal accident against an over-bridge. He was travelling on the roof of the train and was returning to his village home.

Case 3 : A labourer named Phylzan (of Nagrahi Village, P.S. Rani-Ganj, Purnia District, Bihar) reported that of the large number of labourers who were travelling on the roof, twenty-eight persons fell down from the running train at Dhandari near Ludhiana. They were obstructed by a hanging wire, and the respondent was one among those who fell down and fractured his legs. He was admitted in a hospital in Ludhiana for two months.

Appendix II

Extractions from the Migrant Labourers at the Destination Railway Station

Migrant labourers are sometimes victims of both their own ignorance and others' exploitation. The ticket collectors, in collusion with the railway policemen, often exploit these innocent travellers. The following cases illustrate this amply.

Case 1 : Mohammad Seffule, son of Fulo Guruji of Supaul in Saharsa District reported that a group of eighteen labourers boarded the train at Nirmali station in Bihar in February, 1980. Their tickets were issued from Nirmali station in three railway station receipts. When they got down at Ludhiana Railway Station, each labourer was charged Rs 15 on the pretext of incomplete receipts. At Ludhiana they were not given receipts for the penalty charged.

Case 2 : Sita Ram (of Ganeshpur Village, P.S. Chiban, P.O. Ramuanpur, Basti District, Uttar Pradesh), was held by the railway police on the pretext of travelling without a ticket in April, 1980. He was not only fined Rs 70, but was also kept in police custody for one and a half months. During this period, he was forced to do agricultural work for which he did not receive any wages.

Case 3 : Mohan Mishra, son of Kashi Kant Mishra (from the village of Mahantpur, Madhubani District, Bihar) reported that in

October, 1979, around forty allegedly ticketless labourers were taken to the ticket collector's room. Some of them were made to strip completely in the process of their being searched for money. They were robbed of whatever amount they had. The respondent, along with his group of six workers, had to travel a distance of eighteen kilometres on foot to the employer for whom they were to work.

Case 4 : A group of thirty-one labourers headed by Garib Das were getting out of the exit gate at Ludhiana Railway Station. The tickets were with Garib Das. Two of the labourers were held back on the charge that they were without tickets. They were actually holding the tickets bearing number 02280 and 02277 from Khagria to Ludhiana station, each costing Rs 52.50. This incident took place on April 10, 1980 at Ludhiana station. They had to pay Rs 90 to be freed from the clutches of the ticket collectors. These labourers then left for Mangat Villagein Ludhiana District to work for the employer Kishan 'Doji'.

Case 5 : A group of twenty labourers led by Ram Chander of Balaghat Village in Bihar were held by the ticket collectors at Ludhiana Railway Station on the charge that they were travelling through a long route via Delhi. They were released after paying Rs 100 for which they did not receive a receipt. The labourers had bought tickets from the station of origin at Bihar collectively, for which a combined receipt was issued from Kamtol station of Bihar bearing number 956371. This incident took place on April 4, 1981.

Appendix III

Forcible Capturing of Labour at the Railway Station

The labourers are exploited by ticket collectors and the minions of the law, in addition to employers.

Case 1 : This case reveals on the one hand how employers try to trap labourers, either by cunning or by force. An interview with Bhai Lal (of Purnahi Village, P.S. Varisnagar, Samastipur District, Bihar), revealed that a group of four labourers arrived at Ludhiana station in October, 1980. They left the station after handing over the tickets at the gate. As there was considerable shortage of the migrant labourers during this time, there was a rush for trapping the labourers. Three of these labourers, Ram Chander, Ganesh Chaudhary, and Upinder Yadav, belonging to the village of Purnahi,

were caught hold of by some employers and were handed over to the ticket collector on the pretext that they had travelled without tickets. This was, however, noticed by a conscientious employer, who prevented the trapping of these labourers under false accusations. On his intervention the labourers were released. This was not the end of their travails. As soon as they came out some employers forcibly threw them in a tractor trolley. The labourers jumped out of the running tractor, leaving their few belongings in the tractor itself.

Case 2 : In October, 1979, Khairudin (of Pursauni Village, P.S. Patahi, P.O. Parsauni, Motihari District) and his group of eight labourers arrived at Sirhind Railway Station. As they were leaving the station, they were forcibly caught hold of by a few farmers and thrown into a tractor trolley. It was still dark. The labourers got out of the trolley and hid themselves from other employers who were equally eager to capture them.

Case 3 : A group of four labourers belonging to Roshanpur Takari Village, Fatehpur District, got down at Ludhiana station in October, 1980. As soon as they came out of the station one of them was caught and thrown into the tractor trolley. He managed to escape. Two others could not be caught but the fourth one named Hira Lal was caught and mercilessly beaten by the employers. He was later taken away in the tractor since there was no one to help him.

Case 4 : Very rarely, some resistance is offered by sensitive persons who come to the help of labourers who are being abducted. On October 27, 1980, Roshan Lal, President of the Ludhiana Railway Station Rickshaw Union, resisted the attempt of some employers to capture labourers. In spite of this, some labourers were taken away in a tractor. Roshan Lal, along with a few other rickshaw pullers, blocked the tractor by drawing some rickshaws in front of the tractor. In this process one of the rickshaws was smashed by the tractor.

Case 5 : In October, 1980, the investigator happened to observe the forcible capture of labour outside Ludhiana Railway Station. In several cases, the police also help the employers. Into a tractor bearing plate number HRR 577 (Russian, HP 50), eight labourers were forcibly thrown in with the help of the police. It was learnt that the employers paid the police Rs 200.

Case 6 : On October 26, 1980, nearly seventy labourers arrived at Rajpura Railway Station. There were about twenty employers waiting

to grab the labourers. It was 6.00 in the morning. Some policemen from the local station captured around fifteen labourers and handed them over to an employer named Gurbax Singh Randhawa (Devi Nagar Village, Patiala District), who had a tractor (Escort-335 No. HYA 5141). Other employers, who had also been waiting all night for the labourers resented this, and intervened to arrange for the labourers' release.

Case 7 : On April 10, 1980, a policeman wearing belt No. PRP 482 helped a farmer, Ajmer Singh, (Thikriwala Village, Sangrur District), to get five labourers. He was helped by another policeman named Pritam Singh of Ludhiana Police Station No. 4. These labourers were accompanied by a child labourer travelling on a half ticket. The entire group was rounded up and asked to pay Rs 150, which they could not. The employer Ajmer Singh paid this amount to the policemen and took away the labourers.

TABLE I

AGRO-ECONOMIC CHARACTERISTICS OF THE TWO SAMPLE VILLAGES OF LUDHIANA DISTRICT

Sr. No.	*Items*	*Name of the sampled villages*	
		Bassian	*Udhowal (Kalan and Khurd)*
1	Net sown area (hects)—1980	1567	271
2	Gross cropped area (hects)—1980	3091	510
3	Number of tractors per thousand hectares of net area sown—1980	79	22
4	Number of tubewells per thousand hectares of gross cropped area—1980	226	161
5	Per cent net area irrigated	100.00	95.00
6	Per cent area under principal crops to gross cropped area during 1978-79		
	Paddy	26.02	50.00
	Maize	8.44	4.82
	Wheat	46.52	58.62
	Cotton	2.75	—

Source: Patwari Village Record and personal interviews.

TABLE II

SOCIOECONOMIC CHARACTERISTICS OF PUNJAB STATE, LUDHIANA AND HOSHIARPUR DISTRICTS

Sr. No.	*Particulars*	*State Punjab*	*District Hoshiarpur*	*District Ludhiana*
1	*2*	*3*	*4*	*5*
1	**Classifications of area** (1000 hects) in 1979-80 (P)			
	(a) Percentage of net area sown to total area	83	64	86
	(b) Area sown more than once	2356	131	236
2	Cropping intensity 1979-80	156	152	172
3	Percentage of net area irrigated to net area sown in 1979-80	85	45.5	92.2
4	Number of tractors per 100 hectares (net area sown)	17	12	30
5	Number of tubewells per thousand hectares of gross cropped area 1979-80	41.22	51.83	64.10
6	Fertilizer nutrients application (in kgs) per hectare of gross cropped area in 1978-79	92.25	70.68	145.90
7	Percentage of area under HYV of principal crops 1979-80			
	Paddy	91.81	84.44	100.00
	Maize	17.57	3.90	20.59
	Wheat	98.65	96.15	100.00
8	Number of operational holdings and their percentage to total holdings (1971)			
	Land size category (hects)			
	(i) 0.1-2.0	777651 (56.54)	108237 (73.09)	42128 (47.18)
	(ii) 2.0-4.0	281103 (20.44)	22368 (15.19)	23040 (25.20)
	(iii) 4.0-10.0	247755 (18.02)	14128 (9.64)	21041 (23.01)
	(iv) 10.0 and above	68856 (5.00)	3127 (12.13)	4203 (4.61)
	Total	1375392	148140 (100.00)	81412 (100.00)

(contd.)

TABLE II

Sr. No.	*Particulars*		*State Punjab*	*District Hoshiarpur*	*District Ludhiana*
1	*2*		*3*	*4*	*5*
9	Percentage area under principal crops to gross cropped area of district/state				
	Paddy	A	17.93	11.78	16.19
		P	3052	92	313
		Y	2606	2046	3443
	Maize	A	6.18	20.16	12.10
		P	696	142	122
		Y	1722	1843	1798
	Wheat	A	43.04	40.83	46.79
		P	7.879	330	904
		Y	2797	2114	3436
	Potato	A	0.62	3.40	0.20
		P	734.1	211.1	27.5
		Y	18.066	16.242	25.038
10	Percentage of agricultural labourers to total workers (1971)		20.11	17.92	17.95
11	Percentage of cultivators to total workers		42.56	43.61	32.86
12	Percentage of scheduled caste literates (1971)		15:12	29.16	20.81
13	Wages paid to agricultural labourers 1980				
	Operations				
	Ploughing		10.95	8.50	10.16
	Sowing		11.03	8.60	10.22
	Weeding		10.86	8.60	10.29
	Harvesting		13.47	11.00	13.33
	(for females)—				
	Cotton picking		8.25	8.00	—
	Other agricultural operations		10.96	8.83	10.33

Source: *Statistical Abstracts of Punjab and Districts,* 1980.

TABLE III

AGRO-ECONOMIC CHARACTERISTICS OF LUDHIANA DISTRICT FROM 1950-1980

Sr. No.	*Particulars*	*1950-51*	*1960-61*	*1965-66*	*1970-71*	*1975-76*	*1979-80*
1	*2*	*3*	*4*	*5*	*6*	*7*	*8*
1	Net area sown ('000 hects)	245	294	304	316	323	326
2	Area sown more than once ('000 hects)	59	76	115	176	218	236
3	Gross cropped area	304	370	419	492	541	562
4	Cropping intensity	124	126	139	156	167	172
5	Irrigation ('000 hects)						
	(a) Government canals	28.33	24	27	33	20.2	25.3
	(b) Wells*	129.09	117	123	225	260.7	275.3
	(c) Other sources	—	—	10	—	—	—
	(d) Total	158.42	141	160	258	280.9	300.6
	(e) Percentage to net sown area	64.66	48	53	82	87	92.2
6	Number of tubewells for irrigation						
	(a) Government	—	—	72 (q)	123	123	123
	(b) Private	—	—	4044 (q)	18091	31825	35903
	(c) Total		—	4116	18124	31948	36026
7	Number of tractors	—	—	1000	4189	8284	10270**
8	(a) Fertilizer consumption (tons)	—	5629	51154	170503	199803	292895
	(b) Fertilizer consumption per acre of net area sown (kgs)	—	8.0	66.1	220.1	251.0	363.56**
9	(a) Cropping pattern: ('000 acres)						
	Paddy		2.0	5.0	5.0	15.0	91.0
	Wheat		113.6	151.5	238.0	247.0	263.0

Maize	38.8	54.6	84.0	108.0	68.0
Cotton	25.6	30.8	21.0	52.5	17.7
Groundnut	26.9	53.8	62.1	27.0	30.4
(b) Production (in '000 tons)					
Paddy	3.0	4.0	9.0	51.0	313.0
Wheat	167.6	285.0	780.0	697.0	904.0
Maize	55.9	136.0	172.0	221.0	122.0
Cotton	6.2	9.5	6.6	7.5	4.3
Groundnut	25.2	80.1	61.1	53.0	30.0
(c) Yield (Qtls/hects)					
Paddy	15.1	8.0	18.0	33.8	34.4
Wheat	14.8	18.8	32.8	28.2	34.4
Maize	14.2	24.6	20.4	20.5	18.0
Cotton	2.4	3.3	3.2	3.0	2.15
Groundnut	9.3	14.9	9.8	10.2	9.8
(d) Market arrival ('000 tons)					
Paddy	1.7	2.7	37.7	63.8	491.0
Wheat	29.4	130.7	544.9	412.8	594.0
Maize	NA	50.2	83.9	540.0	19.8
Cotton	NA	11.1	20.2	26.3	NA

10 Distribution of land among various classes of cultivators/landholders in Ludhiana district (area in '000 acres)

Class of cultivators/landholders	*Year*			
	1910	*1947*	*1960*	*1977*
Tenants-at-will	259	334	304	65
	(36.27)	(33.23)	(40.75)	(9.18)
Owners	426	618	442	647
	(59.66)	(61.49)	(59.25)	(90.07)
Total cultivated area	29	53		
	(4.07)	(5.28)		

Source: *Ludhiana District Gazetteer*, 1970; Third World Agricultural Census 1970-71; and *Statistical Abstracts of Punjab*, 1980.
Wells include tubewells also; q = Figures pertain to 1966-67; **Figures pertain to 1977-78.

TABLE IV

PERCENTAGE OF AREA CONTROLLED AND TRACTORS OWNED BY LAND-SIZE GROUPS IN SAMPLE VILLAGES OF LUDHIANA DISTRICT

Land size category (acres)	*Total households*		*Total area controlled (acres)*		*Households owning tractors*		*Diesel engines*	
	No.	Per cent	No.	Per cent	No.	Per cent	No.	Per cent
Bassian Village								
0.1- 2.5	9	2.51	17	0.38	1	1.14	9	2.54
2.6- 7.5	100	21.93	532	11.91	5	5.68	93	26.20
7.6-15.0	144	40.22	1427	31.9417	—	19.32	118	33.24
15.1-25.0	72	20.11	1296	29.01	38	43.18	84	23.66
25.18 & above	33	9.23	1196	26.78	27	30.68	51	14.36
Total	358	100.00	4468	100.00	88*	100.00	355	100.00
* There are four additional tractors who have no land.								
Source: Diesel Card Register, Food & Civil Supply Office, Bassian, 30.7.80.								
0.1- 2.5	11	13.10	16.5	3.00	—	—	7	8.14
2.6- 7.5	44	52.38	216.0	39.17	—	—	36	41.86
7.6-15.0	24	28.57	237.0	42.97	2	33.33	28	32.56
15.9 & above	5	5.95	82.0	14.86	4	66.67	15	17.44
Total	84	100.00	100.00	100.00	6	100.00	88	100.00

Source: Village Cooperative Society Record, and personal interviews.

TABLE V

BREAK-UP OF OPERATED AREA ACCORDING TO THE SIZE OF HOLDING, TERMS OF TENURE (FOR TWENTY SAMPLE CULTIVATORS)

Farm size (acres)	*Total owned*	*Per cent*	*Total leased in*				*Total operated*
			Cash rent	*Per cent*	*Share-cropping*	*Per cent*	
Below 5.0	5.62	100.00	—	—	—	—	5.62 (1.92)
5.1-12.5	40.00	81.22	9.25	18.78	—	—	49.25 (16.84)
12.6-25.0	53.25	56.80	40.50	43.20	—	—	93.75 (32.07)
Above 25.0	119.00	82.78	19.75	13.78	5.0	3.44	143.75 (49.17)
Total	217.87	74.52	69.50	23.77	5.0	1.71	292.37

TABLE VI

AREA UNDER TENANCY, AND LAND TRANSACTIONS BY FARM SIZE, ACRES, FOR TWENTY SAMPLE CULTIVATORS

Farm size (acres)	*Area under tenancy*		*Area mortgaged*		*Land during past ten years*	
	Leased-in	*Leased-out*	*Mortgaged-in*	*Mortgaged-out*	*Sold*	*Purchased*
Below 5.0	—	5.00	—	1.00	1.50	1.08
5.1-12.5	9.25	14.90	5.50	—	7.00	—
12.6-25.0	40.50	—	3.00	3.00	4.50	9.00
Above 25.0	19.75	3.00	—	—	0.44	39.50
Total	69.50	22.90	8.50	4.00	13.44	49.58

TABLE VII

LABOUR REQUIREMENT PER ACRE ACCORDING TO VARIOUS LABOUR COMPONENTS BY LAND FOR TWENTY SAMPLE CULTIVATORS

(Mandays)

Farm size (acres)	*Hired labour*				*Family labour*	*Grand Total*
	Permanent local labour	*Casual local labour*	*Seasonal migrant labour*	*Total*		
Wheat:						
Below 5.0	—	3.00	9.75	12.75	13.06	25.81
5.1-12.5	—	4.94	6.19	11.13	17.15	28.28
12.6-25.0	1.41	3.75	7.53	12.79	11.37	24.16
Above 25.0	3.08	3.25	11.67	18.00	7.89	25.89
Average	1.12	3.75	8.80	13.67	11.36	25.03
Paddy:						
Below 5.0	—	—	27.00	27.00	19.75	46.75
5.1-12.5	—	0.62	25.10	25.72	24.76	50.48
12.6-25.0	4.18	0.83	27.00	32.01	15.31	47.32
Above 25.0	6.77	0.30	28.84	35.91	13.16	49.07
Average	2.70	0.43	26.90	30.03	18.37	48.40

TABLE VIII

COMPARATIVE DAILY WAGE RATES OF LOCAL AND MIGRANT LABOURERS IN THE VILLAGES OF BASSIAN AND UDHOWAL IN 1980-81

Operations	*Bassian*		*Udhowal*		*Minimum fixed by Punjab Govern ment in 1979*
	Local labourers	*Migrant labourers*	*Local labourers*	*Migrant labourers*	
1 Wheat harvesting	22.00	13.00	13.00	9.35	11.70
2 Wheat threshing	15.00	11.50	10.90	9.92	11.00
3 Paddy transplantation	13.00	10.50	14.20	11.50	5.75
4 Paddy harvesting-cum-threshing	13.00	7.25	13.00	7.00	14.90

Note: The minimum wages fixed by the Punjab Government have been converted into daily cash wages at procurement price on the following basis.

Name of the operation	*Minimum wages fixed by Punjab Government*	*Yield of the respective crop from sampled village (per acre)*	*Mandays (8 hours) required to accomplish the operation (per acre)*
1 Wheat harvesting	1/20 part of harvested wheat	12.60 Qtls	7
2 Paddy transplantation	Rs 5.20 per *kanal* paddy transplanted (*desi* method)	27.60 Qtls	10
3 Paddy harvesting-cum-threshing	8 kg per quintal of paddy threshed	27.60 Qtls	15.5

Notes and References

1. M. Darling, *The Punjab Peasant in Prosperity and Debt*, Oxford University Press, Bombay, 1947.
2. By March 31, 1966, around 875 tenants were resettled on a surplus area of 1926 standard acres. Proprietary rights were given to the tenants in an area of 264 acres. *District Gazetteer,* Ludhiana, 1970, pp. 435-440.
3. Index No. of Agricultural Production (1956-62 = 100)

1955-56	65.12
1960-61	101.99
1965-66	115.18
1970-71	208.97
1978-79	336.83

Source: D.P. Gupta and K.K. Shangari, *Agricultural Development in Punjab*, Agricole Publishing Company, New Delhi, 1980.

4. F.R. Frankel, *India's Green Revolution,* Oxford University Press, Bombay, 1971. Also see S.S. Gill, 'Capitalism in Punjab Agriculture', *Economics Analysis,* Vol. II, Guru Nanak Dev University, Amritsar, December 1980.
5. R.L. Bhalla, *An Economic Survey of Bairampur in the Hoshiarpur District*, Lahore, 1922.
6. *Ibid.*, p. 17.
7. Out of the total 2,465 displaced persons settled in Punjab, 1,66,492 persons settled in Hoshiarpur alone (*Statistical Abstract of Punjab,* 1947-50). It was a high number for Hoshiarpur which was already thickly populated. [Board of Economic Inquiry, Punjab (1955), *Economic Conditions of Displaced Persons from West Pakistan in Towns and Villages of Punjab (India)*, Part II, Punjab Government Publication, Chandigarh.]

8. Trends of Tenancy in the District of Hoshiarpur

	Area Cultivated by				*Standard acres*		
Years	*Owners*	*Per cent*	*Occu-pancy tenants*	*Per cent*	*Tenants-at-will*	*Per cent*	*Total cultivated area*
1910	342,937	40.03	152,021	21.28	219,154	30.69	714,112
1947	333,178	44.41	145,407	19.38	271,665	36.21	750,150
1961	523,131	69.33	Nil	Nil	231,478	30.67	754,609

Source: *District Census Handbook,* No. 9, Hoshiarpur, 1961.

9. The figures are based on the distribution of 1,000 sample households engaged in cultivation *District Census Handbook,* Hoshiarpur, 1961.
10. In 1915 there were 3,371 wells in the Garh Shankar *tehsil* of Hoshiarpur District, out of which 160 were in disuse due to the decrease of the water level. Within the next few years the number of dry wells further increased to an abnormally high level. M.L. Darling, *Rusticus Loquitur,* Oxford University Press, London, 1929.
11. *The jats* of Hoshiarpur District are vigorous and enterprising as are those in other

parts of Punjab. They are ready to enlist in the army, or to go to the canal colonies and many more migrate to Africa, Australia and America. This explains why 30 per cent of the population in the district are free of debt. M.L. Darling, *Op. cit.,* 1947, pp. 25-26.

12. A farmer from Hoshiarpur District mortgaged 11.5 acres out of his thirteen acres for Rs 3,000 to educate his only son. J.W. Thomas, *Work and Idleness among Educated Village Youth of the Punjab,* Board of Economic Enquiry, No. 72, Punjab, 1952, pp. 18-19.
13. Out of the 122 cases where the fathers were cultivators, in as many as 42 cases (34 per cent) the whole or an appreciable part of the holdings had been leased out. As regards non-agriculturists, 28 were landlords who were engaged in other work (such as business and teaching) and of these 14 had leased out their lands rather than get their sons to work on it; the remainder got hired men to do the work. J.W. Thomas, *Op. cit.,* pp. 17-18.
14. Nearly three-fourths of the unemployed people were the sons of either agriculturists or village craftsmen. The unemployed sons of cultivating parents, in spite of their large holdings, did not want to work on their lands. They were in search of paid jobs, that is, service. Non-inclination to take up the parental occupation after completion of education, was also the result of emulation of other relatives or village people who were already in service. J.W. Thomas, *Op. cit.,* pp. 17-18.
15. In Bairampur Village of Hoshiarpur District, the percentage of literates among the *jats* was 37.8, whereas all the *chamars* were uneducated. There was some tendency on the part of the higher castes to discourage the education of lower castes. The high caste argued, 'If the *chamars* became educated who would do our manual work?' R.L. Bhalla, *Op. cit.,* pp. 146-148.
16. *Short payment of wages to seasonal migrant labourers:*
    The following cases would explain how employers try to pay less wages to the migrant workers:
    Case 1: Yogi Mahto (P.O. Saur Bazar, Saharsa District) reported that he worked with an employer in the village Mand Mandiani (near Mulanpur), in the district of Ludhiana during wheat harvesting in 1980. He was not paid wages for thirteen days of work performed. When the labourers demanded the wages, he was also beaten severely.
    Case 2: Vishnu Dev (of Shaharbani Village, P.S. Alauli, Monghyr District) reported that he harvested twelve acres of wheat crop of an employer of Bassian Village in 1980. He was paid wages for only six acres.
    Case 3: Moti Rai (Kadmha Village, P.S. Kishanganj, P.O. Nirmali, Saharsa District) disclosed that in July, 1979, after completing their work, he and his fellow-labourers were trying to return to their village home. They were intercepted by some unscrupulous agents near Ludhiana station and forcibly captured. They were forced to work but after a few days they managed to escape, though leaving behind their belongings.
17. *Postal irregularities:*
    The money remitted by the seasonal migrant labourers to their family members in Bihar reach them after a few months in some cases. The local postmaster and the postman use this money for moneylending. This is clear from the following cases:

Case 1: The interview of Ram Chander Yadav (of Kheraganj Village, P.O. Karoti Bazar, Saharsa District, Bihar) reveals that the money order sent by him on April 2, 1980, was received by his parents only on May 6, 1980. The postmaster Tapeswat Singh advanced this money to a person named Dhanna Sahib for four days and earned an interest of Rs 20.

Case 2: Mohinder Dusadh (of Mauji Village, P.S. Hasanpur, P.O. Mauji Kothi, Samastipur District, Bihar) reported that the postman of his village post office did not deliver the money remitted by him for a month. He had sent this amount after the paddy harvest in 1979. The postman, it is alleged, utilized this amount for moneylending and earned an interest of Rs 200.

Case 3: This case reveals that this practice has been continuing for the past few years. This is clear from the interview of Makbul Mistri, (Valisnagar Village, P.S. Valisnagar, Samastipur District, Bihar) who reported that the Rs 500 remitted by him five years earlier was withheld in the village post office. It was released only after the respondent had filed a suit against the postmaster.

Case 4: Sukhdev Sao (Hissar Village, P.S. Piprari, P.O. Basant Patti, Sitamarhi District, Bihar) reported that the money remitted by him in April, 1979, was not delivered by the village post office for nearly five months. Only after he complained in writing to the postmaster was the money handed over to him.

18. The recruitment and selling of the labourers by the notorious professional recruiter Master Mohan Singh (a local school teacher) came to light only in the early part of 1980, though the incident was initiated four to five years earlier. Some tribal students were collected from a tribal hostel in Ranchi District, and asked to give up their studies and join the Air Force in Punjab. They were also told the name of the officer at Punjab who would recruit them into the Air Force; this was none other than the tyrant landlord under whom they were to work. After coming to Punjab, a few of them were employed in the farm of a so-called Air Force officer landlord who extracted forced labour from them. When these boys resisted they were threatened with dire consequences. Some of these tribal boys managed to run away to Bihar. One of them happened to be the son of a Police Inspector, who apparently filed a case in a Bihar court against the two main culprits. Though the Bihar court seemed to have issued a summons, they were reported to be unavailable by the local police authorities in Punjab for a long time. The matter is also reported to have been raised in the Bihar Assembly, followed by the visit of the Bihar police to Punjab, and the subsequent arrest of the two culprits on non-bailable warrants.
19. R.L. Bhalla, *Op. cit.*
20. The three agents who were initially involved in recruiting the tribals from the Ranchi area and selling them to employers at Tanda were prominent landowners as well. This will be evident from the following list:
    1 Sadhu Singh, of Rasulpur Village, owns 70 acres of land.
    2 Babu Singh, of Dhadiala Village, owns 40 acres of land.
    3 Kewal Krishan, of Jaja Village, owns 15 acres of land.
21. For a more detailed discussion of migrant labourers from Bihar, see Manjit Singh, *Migrant Labourers in Rural Punjab,* unpublished M. Phil. thesis, Punjab University, 1981.

HIMALAYAN POLYNYANDRY: Bondage Among Women in Jaunsar Bawar

Jayoti Gupta

The legal and economic bondage of women in contemporary India has been a relatively neglected topic in the existing literature. Indeed, Sarma Marla's pioneering study, *Bonded Labour in India,* reports that in India 97.5 per cent of bonded labourers are males, while only 2.3 per cent are females.[1] The only form of direct bondage observed among women is in the case of widows, who are employed by *maliks* upon whom they depend following the death of their husbands. In these cases, the widows do not receive monthly wages, but only food twice a day, sacrificing their independent existence and often forced to live in the cattle shed of the *malik's* home.[2] Without disputing Sarma Marla's statistics, it is possible to suggest that the bondage of women be viewed within a wider framework of class relations within which family units are situated, and of gender relations within the home, thus revealing the indirect linkages between the public and private spheres. The wives of bonded labourers are often forced to intensify their labour both within and outside the home so that the husband may try to repay his debt. At times, even children may be included within the cycle of debt bondage. Thus a landowner can indirectly appropriate surplus labour through the integration of the entire family unit into the cycle of indebtedness.

There is little possible disagreement with regard to the purpose of the loans, whose accrual of interest provides the basis for debt bondage. 55 per cent of loans are taken for basic consumption—food, medical treatment, clothing and other domestic needs. 30 per

cent of loans are reported to be taken for ceremonies—marriages, death rites, and child births. Five per cent are used for the repayment of previous loans, while only 3.5 per cent of loans are taken for production purposes such as investment in seeds, fertilizers and implements. In Uttar Pradesh, 74 per cent of bonded labourers belong to scheduled castes, while another 14 per cent belong to backward castes, together constituting the great majority of bonded labourers in the region.[3]

While all these factors hold true for Jaunsar Bawar *pargana,* one aspect of female bonded labourers in this district provides a unique area for study. This unique aspect is the exploitation of bonded women labourers through prostitution. The bondage of women through prostitution in Jaunsar Bawar cannot be delinked from the agrarian class structure, the economic status of scheduled castes, the polynyandrous form of the family prevalent in the area, and the system of bride price—an interplay of factors converging to produce a specific form of female bondage. The persistence, and even intensification, of female bondage must be set within the context of the distorted nature of capitalist development which post-colonial societies have historically experienced. A brief historical background of the agrarian relations of this area, both in the colonial and post-colonial periods, thus becomes imperative.

Jaunsar Bawar, in the northwest corner of the state of Uttar Pradesh in the Himalayan range, forms the northern part of Dehra Dun district. The area is roughly oval in shape, with its major axis lying north and south. The western and northwestern boundaries are contiguous with Sirmur, Jubbal and Taroch, all former princely states which now form a part of Himachal Pradesh. On the northeast, southeast and east, it is bounded by Tehri Garhwal, which was also a feudatory state, but which is now a district of Uttar Pradesh. Jaunsar forms the lower half of the region from Chakrata southwards, while Bawar constitutes the northern part. There is also a belt between the two, known locally as *khandmanrh,* which means 'the rugged hillock'. For administrative purposes, this region as a whole is known as the Jaunsar Bawar *pargana.* It is included within Chakrata *tehsil,* one of the two *tehsils* of the district of Dehra Dun.[4]

Historical background

Accounts show that the tract of Jaunsar Bawar originally

formed part of the territory of the Raja of Sirmur, which was a part of Garhwal. Garhwal, of which Sirmur was a state, was an independent kingdom.

It is believed that these regions were colonized first by various tribes such as the *khasas* and the *kirats* who migrated from Central Asia. They are supposed to have founded the earliest ruling families of Kumaon and Garhwal. For a long period these regions remained under the domain of petty rulers who maintained complete autonomy within their own territories. In the fourteenth century the petty ruling states were brought under the hegemony of Ajai Pal (1358-1370), who subjugated them and created the single kingdom of Garhwal, which constituted 52 states, and of which Sirmur was one.[5]

Since the hill regions of Uttar Pradesh were never physically isolated from the political upheavals in the plains, many powerful *rajput* and *brahman* clans later emigrated to these regions. By the time the *brahmans* and the *rajputs* entered the area, the *khasas* had already reduced the earlier inhabitants, the *doms,* to the level of servile serfs and slaves. Under the local kings, the property in land was vested in the state and credit was granted to the cultivators who surrendered a certain amount of revenue in the form of crops. The agrarian structure was based primarily on land grants made to the economic and political elite known as *thokdars*, who were in charge of a region. Under the *thokdar* were three other levels of cultivating classes: the *hissedar*, or the clansmen who possessed proprietary rights in *thokdari* lands; the *khaikars*, or the occupancy tenants; and the *sirthans*, or the tenants-at-will. The office of the *thokdar* was hereditary and he could dispose or gift his property, though the king most probably possessed the supreme right to the land. The *hissedars*, though independent households, were jointly responsible for paying the revenue of the entire village. The *khaikars* and *sirthans* paid revenue only to the *hissedars*, with the amount varying between one-third to two-fifths of the gross produce on the land. At the lowest rung were the labouring class, the *doms*. They had no right to land and were held as slaves by the other sections of the cultivating classes. They could be bought and sold like any other commodity, and those attached to the soil were passed from one owner to another along with the transfer in the ownership of the land.[6]

There is a general understanding in British sources that the severity of exactions of the feudal states changed when the Gurkhas entered Kumaon in 1790, and Garhwal, a little later. Both Jaunsar Bawar and Dun, which was also a part of the kingdom of the Rajah of Garhwal, came under Gurkha rule. The Gurkhas are known to have ruled their new acquisition harshly. Mention is made of the severe fiscal arrangements under the Gurkha governors, as a result of which slavery increased at an alarming rate. Every defaulter was condemned to lifelong bondage and slaves were cheaper in the market than horses and camels. It is not clear whether any major changes were brought about by the Gurkhas in the tenure system of the area, as observed in the accounts of the area written during British rule.[7]

In 1814, after the British East India Company had secured control over most of the United Provinces through conquest and treaty, war was declared against the Gurkha rulers of Jaunsar Bawar. The majority of the Jaunsar population sided with the British against the oppression of the Gurkhas, and their evacuation completed the conquest of Dun and Jaunsar. The written history of Jaunsar Bawar thus dates to the time of the British conquest in 1814. Following the removal of the Gurkhas from power, Jaunsar Bawar was administered by British officers who were directly responsible to the Resident at Delhi. Dun was initially under the jurisdiction of a Commissioner, who was, however, removed from this jurisdiction in 1829, and thenceforward Dun was administered in the same manner as Jaunsar Bawar and Kumaon. It was treated as an integral part of the Dun district, although it was only in 1871 that Dun proper was finally placed on the same footing as the other districts in the Northwestern provinces.[8]

On assuming power, the British colonial government maintained the existing structure of agrarian relations, thus forging a class alliance with the *thokdars.* The details of revenue collection also remained unchanged.[9] There existed an indigenous revenue system in terms of *khats,* which were demarcated areas such as the *thok*; and *sianas,* who were the *thokdars.* Traditionally, the four most influential *khat sianas* were called *chauntras,* who formed a local council known as the *chauntru.* To this body was submitted the gross sum assessed on the *pargana* as revenue. The *chauntras* distributed the revenue over all the *khats,* and each of the *khat sianas* in turn redistributed it among the villages within his respective *khat.* In the

villages the *sianas* fixed the sum to be contributed by each proprietor, and the revenue collected by the village *siana* in four annual instalments was deposited with the *khat siana*, who submitted the amount to the *chauntru*. The *khat siana* was entitled to an allowance of five per cent on the collection as *bisaunta* (literally one-twentieth). This was similar to the *lambardars'* fee in the system which prevailed on the plains. The village *sianas*, however, received no commission. The *chauntras* not only functioned as revenue agents and *khat sianas*, but also possessed civil and criminal jurisdiction over their areas. As revenue agents they received an annual payment of Rs 40, Rs 60 or Rs 100.

Further details of the system emerge vividly from the Rule of Custom codified in 1851 by Captain Ross.[10] The Jaunsar Bawar *pargana* had never been under the Regulations of the Northwestern provinces. Although an Act of 1864 dealt with Jaunsar Bawar, it merely recognized its extraordinary revenue position but did not attempt to change it. Thus local customs in this tract could be ascertained by the *Dastur-ul-Amal* (of Rule of Custom) formalized in 1851. This was revised at a later settlement, and signed in token of acknowledgement by the headman. Though the code can hardly be interpreted as law in a formal sense, it remained operative until as late as 1951, when a new settlement was drawn up following independence. Captain Ross was in full support of maintaining the traditional legal framework in the agrarian sector, while the purpose of codifying a common law extended the colonial government's power in the region with the semi-feudal relations remaining intact. Even before drawing up the *Dastur-ul-Amal*, six settlements had already been in operation, and the British rulers found no difficulty with the existing system. On August 8, 1829 Major Young, the Superintendent of the Dun and Jaunsar Bawar, submitted his proposal for a new settlement to Commissioner W Ewer:

> I think the system which was prevailed for the last eight years is well suited to the people and more certain of giving satisfaction than if we were to assimilate our proceedings more to the usage of the plain.[11]

Captain Ross' attempt to reinforce the system in the form of a customary law could not have been for any different reason.

The *Dastur-ul-Amal* abolished the office of the *chauntras,* and every *khat* was to be a *bhaichara muhul,* the shareholders in which would be jointly responsible for the revenue assessed on it. *Bhaichara muhul khats* differed from the ordinary *bhaichara muhuls* of the plains, in that there was in each an ascendant family, one member of whom was appointed *siana.* This was paralleled by the appointment of *lambardars* in the plains. The common code reveals the revenue framework which remained in force until 1951. The *pargana* comprised 35 *khats,* each containing several villages. The headman *(siana)* of each *khat* exercised control over the *zamindars* (or the *hissedars*), the *mouroosee* cultivators (occupancy tenants) and the *gair mouroosee* (tenants-at-will).

The position of the *doms* remained unchanged as the *Dastur-ul-Amal* clearly stated

> If any *mouroosee* cultivator removes or runs away from his village, the land in the first place should be made over to his brother, nephew, or any other nearest relation he may have; if he have no relations the *siana* of the *khat* distributes the land among the *mouroosee* cultivators of the village. But if they do not agree to such an arrangement, the *siana* gives it to some other person on a *gair mouroosee* tenure and if such land cannot be settled in the above manner it lies fallow and the *siana* cultivator distributes the amount due from it over the whole *khat* according to the capabilities of each person, but no *dom, bajgee,* or any such caste can get possession of such land; only *brahmans* and *rajputs* can hold it on a *gair mouroosee* tenure.[12]

Ironically, the *Dastur-ul-Amal* was codified a full eight years after the Anti-Slavery Act of 1843 was passed in the British Parliament.

The revenue was fixed arbitrarily by the government on the whole *pargana.* This lump sum, however, was assessed not only on the land, but also on the general resources of the *zamindars,* including the number of sheep, goats, cattle and serfs possessed by the family, as well as the fertility of the soil and the quantity of its produce.

Thus the two classes of cultivators, the *mouroosee* and *gair mouroosee,* as well as the *sianas* and *zamindars* were also drawn from the *brahman* and *rajput* castes. While in most of the cases the

sianas and *zamindars* belonged to the same caste and clan, in some *khats* the *sianas* and *zamindars* belonged to different castes. The office of the *siana* was hereditary, and it was his duty to both control the *zamindars* and collect revenue for the government. The *zamindars* could not sell their land without the permission of the shareholders in consultation with the *siana.* Women were not given a share in the property.

The informal legitimization of this customary code, and its tenure, is well established. A special committee was appointed before the last settlement by the Government of the United Provinces in 1939 to make on the spot enquiries about the living conditions of the people of Jaunsar Bawar. The objectives of this committee were *(a)* to enquire into the needs and grievances, if any, of the people of Jaunsar Bawar; *(b)* to determine how the economic and social conditions of the inhabitants of the area could be suitably ameliorated; and *(c)* to see if any measures were required to improve the administrative system of the *pargana,* and if so, to make recommendations.

Special attention was given to the condition of the *koltas* (the agricultural labourers comprising of *doms* and *chamars*) and to the question of reclamation of *nautar* land.[13] The grievances presented by the *koltas* to the Commission included several provisions in the *Dastur-ul-Amal* which barred them from owning land; they also demanded debt legislation in order to be freed from the burden of ancestral debt and resulting serfdom. Finally, they sought the right of breaking up *nautar* land to be conferred on the *koltas.*

While these demands were supported by the Commission, the committee felt that debt redemption would raise formidable difficulties, as it formed the main basis of the prevailing social system. It believed that any sudden and drastic measure would shake that system to its very foundations and would lead to bitter internal friction, if not to an actual outbreak of violence. It also felt that indebtedness had, in general, been quietly accepted in the past. (They did not, however, raise the question of whether there was ever an alternative.) The question of indebtedness had rarely appeared before the courts as it was on private *bahi khatas.* For this reason, and because the *koltas* did not own any land and property to speak of, they felt that it would be futile to extend any of the plains debt legislation to the hill *pargana* of Jaunsar Bawar. The legal position of the *koltas* remained the same until 1951, when a new

settlement was drawn up for the area, following independence. The *koltas* were, for the first time in the history of the area, allowed to legally buy, own and sell land.

Prior to the Jaunsar Bawar Zamindari Abolition and Land Reforms Act of 1956,[14] there were 22,733 *zamindars* holding 33,148 acres. It took longer to implement this Act in Jaunsar Bawar, as it meant making substantial changes. The Act made all tenants *sirdars* and freed them from the yoke of the *sadar siana* and *zamindars* who held supreme economic and political power within the system of the *bhaichara muhul.* Earlier attempts to protect the rights of the tenants, such as the Khat Haripur Bias Jaunsar Bawar Protection Regulation of 1940,[15] and the Jaunsar Bawar Pergunnah Tenants Protection Regulation of 1949,[16] met with no success. This failure was attributed to the *sianachari* system, which was not abolished until 1951. The Act of 1956, finally implemented in the area in 1961, abolished the role of intermediaries, that is, the rights of the *sianas* and the *zamindars*, and replaced the existing tenures in the area by those of *bhumidars*, *sirdars* and *asamis.* The latter two categories were tenant turned owner and sharecropper. The revenue was to be collected directly from the cultivators, thus removing the intermediary between the cultivator and the state. Following the introduction of the new system, in 1964-65, the landholding figures were estimated as 23,854 *bhumidars* owning 34,916 acres and 10,640 *sirdars* owning 5,236 acres of land.[17]

TABLE 1

OCCUPATIONAL DISTRIBUTION IN CHAKRATA TEHSIL

	Population	*Cultivators**	*Agricultural labourers*	*Non-working population*	*Scheduled caste*
Total	79,128	29,050	1,575	34,242	6,486
Males	47,233	20,502	1,167	11,936	3,530
Females	31,895	8,548	408	22,306	2,955

*(inclusive of *bhumidars*, *sirdars* and *asamis*).

In terms of ecological conditions, the area is hilly with a high proportion of cliff and rock. Cultivation is therefore laborious and on a small scale with relatively low yields. Irrigation facilities are entirely dependent upon the River Jamuna running west of Jaunsar Bawar and the River Tons in the east. Well and canal irrigation, given

the topography of the area, is difficult to instal. Irrigated land is usually found in the valleys which are well watered by rivers and streams. Cultivated land is also found in hill areas where cultivation is carried out on terraced fields. The land in this region is of three types—*kyaro* (irrigated land), *ukari* (unirrigated land) and *khil* (fertile soil). Double-cropping is common, and the principal *kharif* crops are rice, millet, maize, potato, ginger and tobacco. The chief *rabi* crops are wheat, barley, mustard and pulses. The main market centre for the area is Chakrata town.

The *brahmans* and the *rajputs* are the traditional landowners and cultivators. The intermediate caste groups include the artisan classes, such as the *barhai* (carpenter), *sonar* (goldsmith), *lohar* (blacksmith), *bajgee* (village drummer), *jhogra* and *nath* (temple attendants and musicians). The lowest caste includes the *koltas,* the traditional agricultural labourers and serfs. There are also leather workers, who are at some places associated with the *chamar* and *mochi* castes. Among the *koltas* themselves, there are several sub-castes: the higher one is merely known as *chamar,* and the lower one *dom.* The *chamars* do not intermarry or mix with the *doms.* As mentioned elsewhere, being landless agricultural labourers for the main part, the *koltas* depend on the landed section for their existence, and the majority of them live in debt, and remain bonded to their masters. Though, the content of the relationship between the *koltas* and *brahmans* has remained the same, the form has changed. Until 1951, the *koltas* were virtual slaves, but since then they have been granted the *de-jure* right of ownership of land. The relationship between the *koltas,* on the one hand, and the *brahman* and *rajput* landowners on the other hand, can legally be termed 'voluntary'. In this new context, a bonded labourer is

a man who pledges his person or sometimes a member of his family, against an advance (loan) taken by him from the creditor. In lieu of this loan, this person or a member of his family is required to work for his creditor against nominal wages (in cash or kind) till the creditor declares him free of debt. During the period of bondage, the bonded labourer forfeits the right to seek other employment or means of livelihood. He also forfeits the right to move freely throughout the territory of India.[18]

In other words, bondage has remained, but it now appears in Jaunsar Bawar as an economic necessity rather than as a practice with legal sanction. An analysis of the interrelatedness between class relations and the polynyandrous family system and bride price is important as it culminates in the economic bondage of women from the *kolta* caste.

Polynyandry in Jaunsar Bawar

The polynyandrous form of family in Jaunsar Bawar is a combination of polyandry and polygamy. With the exception of a few monogamous families, the dominant form till date remains polynyandry and polygamy. This forms the domestic unit, and is associated with patrilocal residence, patrilineal descent, patrynymic designation and patriarchal authority.

To brush aside polynyandry as a purely cultural phenomenon, or a survival of an archaic and tribal order of society leaves many questions unanswered. Polynyandry in Jaunsar Bawar was observed as early as the beginning of the nineteenth century,[19] when British officials referred to it with disgust, as it was considered barbaric in the age of monogamy. They thought the Jaunsaris would 'improve' after coming into contact with 'civilized' British culture. However, it remains to be explained why the form exists even today. A materialist explanation deduced from the writings on the area is that the scarcity of women lies at the root of the development and continuation of this family system.

Could one look at it in any other way? At the start, one may clarify that this paper does not allow the scope and space to delve deeply into the analysis of changing forms of the family, although the linkage between polynyandry, bondage, and the status of women demands at least a brief explanation of its nature. Since the time written material has been available on this area, class and caste division had already taken place, and private appropriation of surplus was clearly evident. This, however, may not have been in the form of legal private appropriations, since the ultimate right on land was possessed by the sovereign state. Commenting on the *sianachari* system, Captain Ross wrote

> The *siana* and *zamindars* are of the same caste and parentage but the title of *siana* is hereditary. In some *khats* there is a difference of caste between the *siana* and *zamindars*.[20]

It must be emphasized that the *zamindars* could only be *brahmans* or *rajputs*. Observations made by British officials during this period reveal that though they could be of different castes, the *sianas* and *zamindars* were brought together through ties of marriage.

Doms comprised the class of slaves. Although the incidence of slavery accelerated with the increase in production and a corresponding increase in the demand for labour power, the appropriation of the labour of the slaves required corroborating social institutions which legalized this subjugation. Research findings reveal a definite relationship between the low development of productive forces, the relatively infertile land and the incidence of slavery in Jaunsar Bawar, since slavery constituted the only economically viable form of labour mobilization. For instance, slavery permitted an increased rate of exploitation under labour-intensive conditions, and a lower rate of consumption, than for tenancy and share-cropping. This could be explained by the fact that slaves received only basic consumption by definition, while tenants and sharecroppers, given favourable conditions, were in a legal position to appropriate at least a portion of the social surplus. Until the codifying of the *Dastur-ul-Amal*, when the position of the *doms* and other castes was clearly established, this subjugation was made possible by the pooling of property by the ruling class, which gave rise to the apparent form of a patrilineal clan system or lineage community, but essentially remained a production collective that could be aptly described as an extended family. It was based on an agrarian class economy, and the appropriation of surplus product by extra-economic means. A form of communal property (*sianachari* system) was also prevalent; the *zamindars* were a part of this, and each *zamindari* household enjoyed independent isolated property alongside the communal property. However, the *Dastur-ul-Amal* clearly indicates that the *zamindars* could not transfer property without the permission of the other shareholders *(zamindars)* and the *siana*. The *siana* enjoyed supreme economic and political power under the *sianachari* system. The family form corresponding to this shareholding basis was polynyandry, and inheritance was along patrilineal lines.

The polynyandrous form of family relationships combines characteristics of both polygamy and polyandry, and is therefore termed polynyandrous. This implies a family where two or more brothers are jointly married to two or more wives. The wives are

either sisters or belong to different families. However, all the wives in the family are married to the eldest brother, who is the family patriarch—the *siana*. The brothers are no longer considered merely brothers, but partners, as is clearly evident from the term used by the wives for their husbands (who are natural brothers),—*bara malik* and *chota malik*.[21] In this pattern of family relationships, it becomes difficult to ascertain the identity of the father though the identity of the mother is clear. Although fathers remain unidentified, descent is not matrilineal, but patrilineal. All the children of the aggregate family are considered by any one mother as her own children. The wives call each other sister, which they actually are in many cases. In other words among the women, the sisters' children are considered their own children and the brothers' children their nieces and nephews. A similar pattern is seen in the case of men.

Since women have no right of inheritance, only sons acquire a share in the property of the fathers. The son remaining with the mother (or mothers), receives an extra share, while the rest of the property is equally divided. Division of the household is avoided in the interest of keeping the property intact. Because of the joint ownership of property, the reproduction of the household unit is not determined by the paternity of the children. This provides a necessary although not wholly sufficient condition for the existence of the polynyandrous family form.

The theoretical analysis of Meillasoux (1975)[22] offers further insights into the necessary conditions which produce polynyandrous family units, given the ecological conditions of the area. Meillasoux argues that where the development of productive forces is low and the social surplus produced is not great, control over labour assumes greater importance in relation to the control over means of production. According to him, labour conceptualized as individual human beings, is controlled by certain elders through the positions they occupy in kinship structures. Thus social reproduction is seen in terms of the reproduction of labour, and this in turn is linked with control over women, since this ensures control over the differential allocation of labour.

Although Meillasoux's analysis is confined to lineage systems in pre-class societies, the relations within polynyandrous landholding families and lineages in Jaunsar Bawar are not characterized by class divisions. Within these units, control over the allocation of labour is an important factor. In addition, the special ecological conditions

in Jaunsar Bawar produce parallels with the conditions postulated as necessary for his analysis of the status of women in clan communities.

The lack of development of productive forces, and the resulting low productivity of labour work against the process of accumulating surplus. The reproduction of the household and the accumulation of surplus till date mainly depends on family labour, and particularly on the appropriation of the labour of women. This is not to say that outside labour is absent; it is mobilized in the form of *dom* bonded labour, which as mentioned before is linked to the low productivity of labour and the general infertility of the land there. The labour of women, and that of the family, is preferred, and besides bonded labour, it is the only kind of labour that can be afforded, as opposed to wage labour. The separation of the joint household is seen as a bad omen for the family, and given the economic conditions it is not feasible if a given level of production and consumption is to be maintained. Thus the polynyandrous family acts both to maximize female labour and prevent the dissolution of the extended family unit. In spite of the economic constraints, there are a number of nuclear family units as opposed to joint family units, though their numbers cannot be statistically estimated.

The polynyandrous unit exhibits a clear-cut division of labour among family members. The responsibility of management and containing conflicts rests with the patriarch. Similarly, the seniormost wife is the most respected in the family and is usually kept away from agricultural operations, and assigned the role of the mistress of the house. In the infrequent cases of separation of the family, the seniormost wife and her children remain with the patriarch. The role of women in such a household is essentially that of labourers, and the producers of more labour hands. Thus the separation of households works against the accumulation of surplus. Women do not have any right in the choice of husbands and can be approached by all, although the patriarch enjoys the privilege of a priority over the others.

The polynyandrous form bears close resemblance to what has been historically constructed as the punaluan family by Morgan.[23] The word historically should be emphasized here because

> ... the determining factor in history is, in the last resort, the production and reproduction of immediate life. But this itself

is of a two-fold character. On the one hand, the production of the means of subsistence, of food, clothing and shelter, and the tools requisite therefore; on the other, the production of human beings themselves, the propagation of the species. The social institutions under which men of a definite historical epoch and of a definite country live are conditioned by both kinds of production, by the stage of development of labour on the one hand, and of the family, on the other hand.[24]

After analyzing the historical development of the family in the available literature, Engels wrote:

> We have then, three chief forms of marriage, which by and large conform to the three main stages of human development. For savagery—group marriage; for barbarism—pairing marriage; for civilization—monogamy, supplemented by adultery and prostitution. In the upper stage of barbarism, between pairing marriage and monogamy, there is wedged in the dominion exercised by men over female slaves and polygamy.[25]

The punaluan family in this context falls within what Engels called the historical stage of 'barbarism' which was based on slash and burn agriculture. It is a far-fetched proposition to see the polynyandrous form as a survival of a past order and say that its features could be traced back to the punaluan family. Although there remain many unanswered questions about the presence of such parallels today, one has to be content with an analysis of the present structural forms of its material basis, such as the one given previously, in which the reproduction of household units is dependent upon the appropriation of the labour of women.

At the same time, it is perplexing to observe that monogamy, which reaches its apogee in the stage of capitalism, has not established itself as a dominant family pattern in the area. The question that arises is what has blocked the dissolution of the polynyandrous family and its transition to monogamy despite the partial penetration of capitalist development.

Although the polynyandrous family has more often than not been presented as a harmonious unit in structural-functional analysis, this is not the case. There are tensions generated within the family,

between wives and brothers, between elder and younger brothers, which are suppressed in the interest of keeping the property intact. If tensions cannot be resolved either through compromise or force, women become the victims of *choot* (divorce), and a new wife is brought into the family. Cases of *choot* rarely reach the level of the courts and are decided by the local *panchayats.* It appears to be an easy process, although the women have another story to tell. Women have no right to property, except what they are given at the time of marriage, which is minimal. The idea of being separated from the children prevents women from accepting *choot.* The only alternative open to them is to remain in the husband's house and accept the status of a slave. The other factor that complicates matters and makes *choot* difficult is the system of returning the bride price that was accepted by the girl's family at the time of marriage.

Bride price

Polynyandry and bride price go hand in hand to reproduce the economic life in the area of Jaunsar Bawar. Identifying the phenomenon of bride price in the area as one emanating from a shortage of women, social scientists have interpreted it as symbolizing the high status of women in such a society. This is not true for Jaunsar Bawar. Within the network of demand and supply of labour for each family unit and for the area as a whole, the existence of the polynyandrous form implies that the system of bride price is required to create a market for women and thereby regulate the forces of demand and supply. Bride price in other words, represents no more or no less the price for a labour hand, which in this case is a woman who becomes the victim of these economic forces. In contrast to women being captured as slaves by one 'tribe' from another, they are simply bought in an exchange market. The bride price, (anywhere between Rs 500 to Rs 3,000), does not end its circulation with marriage. In the case of *choot,* especially if it is demanded by the woman, or if it is given by the husband on account of any shortcoming on the woman's part (this way *choot* is justified by the husband), the woman's family has to return the bride price to the husband. There are two ways in which this problem is solved, if the girl's father or brothers are not in a position to return the bride price. One is by incurring debt, and the other is by selling the girl to another man on accepting bride price. As fertile women are held

in high esteem by the society, the bride price consequently rises depending on the number of households the woman has changed, and her contribution in terms of children to these households. There is also the possibility that the woman's family members exploit this situation and demand *choot* from her husband, on some pretext, if they are assured of another husband who is willing to pay a higher price. Direct transactions also take place between two men exchanging wives for the bride price paid originally to the family. Often a profit is made. In this process, bride price rises or falls depending upon the competitive market forces operating.

More than the polynyandrous form which is widely prevalent among the landed section, the practice of polygamy and bride price among the *koltas*, combined with their economic status as landless agricultural labourers and poor peasants, form the basis for the entry of women into prostitution. For the *koltas* there existed no material basis for the polynyandrous form of the family, (as it did for the landed section), and it may be assumed that among the *koltas* monogamy was prevalent in the past. On the basis of this it could be deduced that the practice of polygamy and prostitution among the *koltas* appeared simultaneously. While for the landed section, polynyandry is essential for the maintenance of the household as an economic unit, present day polygamy among the *koltas* allows for the maintenance of the family based on income drawn from prostitution.

It is difficult to say when prostitution began to be consciously regarded as an alternative source of income, but the practice presumably began with the introduction of legal right to ownership of land for the *koltas*. In the earlier period, the sale of women was a common feature,[26] but a distinction could be made between the sale of women as slaves, and women being utilized through their income from prostitution to maintain the family. Before the 1951 Settlement, the *koltas* were forced into a position of legal slavery and bondage. The right to own land opened avenues for the *koltas* to free themselves from this inhuman condition and settle freely; hence their search for ways and means to do so. The role of external merchants cannot be ruled out, especially since trading links had long been established between the area and nearby towns, and women were definitely a commodity in the precapitalist society of this area.

Debt among the *koltas* for consumption and bride price is common, and there is no limitation to the number of wives a man can buy as long as he pledges to work in lieu of the loan taken from the master. While one wife stays at home, the others are loaned to the *choudhary* (brothel keeper) based on the system of *batai* (sharecropping). The *choudhary* pays an advance (usually the sum for which the husband was bonded to the *malik*), and takes away the wife. The women are taken to brothels in various places—Saharanpur, Vikasnagar, Dehra Dun, and even Delhi. Those engaged in the flesh trade obviously find it cheaper to buy women from the hills than from the plains, which is only a reflection of the indebtedness and depressed condition of the *koltas,* and the low status of women in polynyandrous society. The income of the woman in the brothel is shared by the husband and the *choudhary.* The woman cannot return to her family as long as she and her husband remain indebted to the *choudhary.* The money she sends home is for the maintenance of the family and for acquiring land. Prior to the enforcement of the Suppression of Immoral Traffic in Women and Girls Act in 1956, there were three hundred prostitutes in the district. Despite legislative measures, the overpowering need of the *koltas* to acquire land, and their resulting indebtedness, intensified trading in women.

It must be borne in mind that these changes did not transpire as smoothly and unilinearly as thought. Several other conjunctural factors intervened both to accelerate the trade, and to preserve this family form and its accompanying prostitution. Land was not immediately available for the *koltas*, and that available was generally *banjar,* uncultivable land. The *koltas* did not have any initial capital to invest in the land and they were compelled to borrow and re-enter bondage. Often the income from prostitution was not even enough to maintain a basic subsistence level, let alone allowing enough to save to buy land. If the earnings were sufficient to buy land, then the wives continued to live in the brothel and engage in prostitution. This could be explained in terms of the fact that the family as a whole were indebted to the *choudhary* for improving their level of consumption. The period between the time of the initial loan and the time of its clearing sometimes lasted as long as 20 to 25 years, often including more advances in the intervening period. Social prejudices against the *koltas* persist even to this day and have the support of the local *panchayat*, which is dominated by the upper

castes and by the local bureaucracy. This gives enough scope to the landed section to keep the *koltas* and other *harijans* under their control both economically and socially, with the illiteracy of the *harijans* making them vulnerable to land encroachment, land alienation, and arbitrary fines imposed for the violation of traditional customs. The bondage of the *kolta* men continues along with their wives who engage in prostitution. After entering this profession, the women themselves find it difficult to readjust to the hard life in the hills, especially as they have to perform most of the agricultural operations. The Immoral Traffic Act has more or less failed to put an end to this vicious cycle and to thwart the impact of social forces determined by class and family relations. Quite often, the law-givers themselves take a percentage from the trade. Within the framework of the polynyandrous marriage, the concept of illegitimate children does not exist; and all enjoy equal rights in the family. This norm further reinforces the persistence of prostitution and female bondage. A few case studies from the village of Lakhamandal in Jaunsar Bawar will help to explain the impact of these social forces within the context of a concrete situation.

Lakhamandal, situated on the periphery of Jaunsar Bawar in the west, is closer to the neighbouring district of Tehri Garhwal than to other parts of Jaunsar Bawar. Standing on the west bank of the Jamuna, the village is the entry point for the other twenty-three villages which form a part of the Bandoor *khat.* It is, thus, literally the centre of the *khat.* Lakhamandal literally means the house of Lae, and according to a popular legend this village was the abode of the five Pandava brothers on their way to the inner recess of the snowy range where they finally immolated themselves. The *brahmans* and *rajputs* of the village claim a genealogical association with the Pandavas. To the villagers, the polynyandrous family is a survival of the old tradition, that is, of the Pandavas of the Mahabharata.[27]

The two major castes in the village are the *brahmans* and the *koltas*, with the *brahmans* being the dominant caste. Of a total of forty-six households, nineteen belong to the *koltas*, twenty-one to the *brahmans*, two to the *rajputs*, two to the *jagdi* and *nath*, one to the *bajgee,* and one to the *bardai.* The average holding of the *brahman* household is between four to six acres. Only two households own more than ten acres of land, of which only six acres are irrigated, the rest being *khil* land. The average holding of the

kolta household is between one to two acres, most of which is unirrigated land acquired from the income of their wives. Apart from two out of ten households, all the others received an acre of *banjar* land as part of the rehabilitation programme after the Bonded Labour Abolition Act of 1976.

Being the centre of the *khat*, the impact of official programmes on Lakhamandal is noticeable. Today no *kolta* works on the fields of a *brahman*. If they do, which is rare, they work at a wage rate of ten rupees per day. They also work as daily wage labourers in construction, where men are paid ten rupees per day while women receive five rupees per day. Income also flows in from prostitution. Barring two families, at least one woman from each *kolta* household has been involved in prostitution. All the men between the age groups of 40 to 60 years had worked as bonded labourers (locally known as *mathpratha*).[28] It was not easy for these individuals to rid themselves of bondage. They began by sending their wives out, and it took them nearly ten to fifteen years to save enough to buy the homestead land, which is on average a plot of five to ten cents. Within this period more loans were taken for basic consumption and bride price, and from the ensuing indebtedness the trade in women had its beginnings. In contrast to the *brahman* household, where a family consists of two or three brothers with two or more wives, polygamy is more prevalent among the *koltas,* which only helps to establish a direct link between bondage and prostitution following the introduction of the right of ownership of land for the *koltas*. In 1976, the *koltas* were declared 'free of debt' by the block officials who frequent the village. This has not produced any significant change in the position of the *koltas*. Though the men have 'deciared' themselves free of bondage they work as daily wage labourers and depend on their wives' income from prostitution: this is, quite obviously, not indicative of any fundamental change in their earlier state of affairs.

As the *koltas* have stopped working for the *brahmans*, the position of the women has deteriorated further within the polynyandrous landholding families. The explanation of the local people is that since the *koltas* of the village of Lakhamandal have stopped working as *mathpratha*, and as daily wage labourers, the burden of work has fallen on the women and has led to a rapid increase in the number of wives taken into each family. The *brahman*

landed class cannot now be categorized as landlords; they form rather the category of rich and middle peasants. Work on the land is carried out by family labour, and largely by the women. The average family among the *brahmans* and the *rajputs* is well beyond the subsistence level, although the surplus at present is in the form of grain. Interest is levied on grain lent to the *koltas* as a common practice, and reinvestment in agriculture is practically nil. There is a single case of the largest landowner in the village, owning twenty acres, who has reinvested surplus in mercantile trucking enterprise, through which he exercises a virtual monopoly in markets in the grain trade between Jaunsar Bawar and Chakrata. Since the preferred form of reinvestment is in mercantile trade and moneylending, we can see that the main form of capitalist penetration has been only through the circulation process. This, as Marx noted, exerts a retrograde effect on the further development of capitalist relations in agriculture, since mercantile trade and moneylending obtain their surplus through exploiting existing forms of precapitalist class relations, and also inhibit capital formation in the production process itself. 'The independent development of merchant capital stands in inverse ratio to the general development of society.'[29]

While certain changes have been observed in the attitude of the *koltas* towards the *brahmans*, social prejudices are still rampant. To this day the *koltas* are not allowed to enter the temple and the temple area. They are barred entry into the houses of the *brahmans* and water or cooked food is not accepted from them by the upper castes. They cannot draw water from the wells which are used by the *brahmans.* The well reserved for the *koltas* remains dry, and till three years ago they had to walk two kilometres to the neighbouring village, Dhaura to obtain drinking water. Recently a tap has been installed in the village by the block, and this is used by all. Violation of the norms laid down by the *brahmans* leads to the imposition of a fine which is decided by the *brahman* dominated village *panchayat;* the fine may be anything between Rs 100 and Rs 400, the price of a sheep. Though the *brahmans* feel that the *koltas* of Lakhamandal have benefited from the government schemes more than they deserve, they are happy that in other parts of the *khat*, the *koltas* follow the rules laid down by the upper caste. This reveals that the social and economic dominance of the *brahmans* is still a well-established fact.

The peculiarity of Jaunsar Bawar lies in the persistence of slavery in the area until as late as 1951. Given the low productivity of labour as a result of the lack of development of productive forces, and ecological constraints, the *domś* were maintained as a class of slaves, while the polynyandrous family was maintained to ensure the mobilization of women's labour. Though in 1843 the British Parliament abolished slavery on a world-wide scale, in 1851 it gave the system legal sanction in Jaunsar Bawar, thereby revealing its wider economic and political interests in entering into an alliance with the feudal elements. While ensuring the development of the market economy, the British checked the development of capitalist relations in production, thus clearing the ground for pre-capitalist relations to establish a firm footing in the agrarian sector. The policies of the independent government also failed to check the foundation of these relations by attempting only apparently progressive policies through mere legal formalities. The result is that while the government introduced the right to own property for the *doms*, the class structure persisting in the area left no avenue open for the improvement of their status. As seen earlier, it led in fact to the intensification of debt bondage and the introduction of prostitution for their women. Women as commodities are no longer sold to rich families as slaves but to brothels on a 'sharecropping' basis. This case study shatters the illusion that bride price and polyandry reflects a high status for women; in Jaunsar Bawar, it reflects the extremely low status of *dom* women, even when keeping in mind the dowry system of the plains. Within the prevailing socioeconomic condition, the trade in women and prostitution, and the economic bondage which is its basis, will continue to reproduce itself.

Notes and References

1. Sarma Marla, *Bonded Labour in India, National Survey on the Incidence of Bonded Labour,* New Delhi, 1981, p. 20.
2. *Ibid.*, p. 20.
3. *Ibid.*, pp. 24, 120-121.
4. *Gazetteer of India,* Uttar Pradesh, District Dehra Dun, Government of Uttar Pradesh, Lucknow, 1976, pp. 2-3.
5. H.G. Walton, *British Garhwal—A Gazetteer Being Volume xxxvi of the District Gazetteer of the United Provinces of Agra and Oudh,* Allahabad, 1911, pp. 111-114.
6. *Ibid.*, pp. 81-82.

7. G.R.C. Williams, *Historical and Statistical Memoir of Dehra Doon*, Published by Authority, Roorkee, 1874, p. 123.
8. *Ibid.*, pp. 176-177.
9. *Ibid.*, p. 169 ff.
10. *Ibid.*, Appendix VIII.
11. *Ibid.*, p. 222.
12. *Ibid.*, Appendix VIII, clause 4(2).
13. *Nautar* land is waste land, yet to be recovered.
14. Uttar Pradesh Act No. XI, enforced in Chakrata Tehsil in July 1961.
15. The Khat Haripur-Bias Jaunsar Bawar Pergunnah Tenants Protection Regulation 1940, Uttar Pradesh Regulation No. I.
16. Jaunsar Bawar Pergunnah Tenants Protection Regulations, 1949, Uttar Pradesh Regulation No. XI.
17. *Gazetteer of India*, Uttar Pradesh, District Dehra Dun, 1976.
18. Sarma Marla, *Op. cit.*, p. 7.
19. G.R.C. Williams, *Op. cit.*
20. *Ibid.*, Appendix VIII, clause 8(1).
21. *Bara malik* and *chota malik* mean 'senior master' and 'junior master'.
22. C. Meillasoux, *Women, Meals and Money,* Routledge and Kegan Paul, London, 1975.
23. For details see the section on the development and features of the punaluan family in F. Engels, *The Origin of the Family. Private Property and the State,* Progress Publishers, Moscow, 1977, (reprint), pp. 39-42.
24. *Ibid.*, pp. 5-6.
25. *Ibid.*, p. 74.
26. *Gazetteer of India*, Uttar Pradesh, District Dehra Dun, 1976.
27. See the section on history in G.R.C. Williams, *Op. cit.*
28. A local term for bondage.
29. Karl Marx, *Capital*, Volume III, p. 384, quoted in Maurice Dobb's *Studies in the Development of Capitalism,* Routledge and Kegan Paul, London, 1978, (reprint). p. 20.
30. Utsa Patnaik, 'On the Mode of Production in Indian Agriculture: A Reply . *Economic and Political Weekly,* Review of Agriculture, September 1972, pp. A145-A151; Ernesto Laclau, 'Feudalism and Capitalism in Latin America', *Politics and Ideology in Marxist Theory,* Verso edition, London, 1979.

9

UNREDEEMED PROMISES

The Law and Servitude

Manjari Dingwaney

Slavery and bondage are systems of great antiquity: the availability of adequate historical material bears testimony to their existence in all periods of Indian history. The slavery regulations in force, prior to the advent of British, were a mere enumeration of rules to govern these systems and their various rights and obligations. The consolidation of British power in India marks a point of departure from the previous system of classification of slavery. The British Government directed their legal efforts first at controlling the interregional trade in slaves, then abolishing a specific aspect of indigenous slavery and finally, putting an end to it *in toto*. In the process, they imposed a legal definition of slavery which differed from the customary rules and regulations of Hindu and Muslim laws. Hence three distinct types of legislation have been dealt with : (i) those which consist of laws regulating slavery; (ii) partial abolition measures; and (iii) total abolition measures.

The selectivity of the period under review was determined by the fact that in the late eighteenth century, the changes introduced by the British in the field of legislation (particularly pertaining to slavery) can be noticeably traced.

Further this article seeks to study the role and the extent of relevance of these laws in dealing with systems of slavery, indentured labour and bondage, systems which were a part and parcel of the economic reality of the period under study. Within that context and from the persistence of the system of bonded labour even today, a fundamental question is sought to be answered: Can legislation alone put an end to such systems?

In attempting to answer the above question, the article is strictly confined to contents of laws and their implementation and does not include within its purview the relevance of such laws within the context of social relations of production. It can be seen, however, even from the contents of the legislation and their later amendments that the British Government in India was continually collaborating with the plantation interests abroad and those of merchant and landed classes within India.

This paper is divided into four sections: the first deals with ancient Hindu and Muslim laws of slavery and the way in which they were used by the colonial government in the late eighteenth century. The second part examines the events which culminated in the anti-slavery measure of 1843. The third section deals with indentured labour which filled the vacuum for unfree labour created by the anti-slavery measure of 1833 which emancipated African slaves in the plantations of British colonies and legislation which successfully circumvented the abolition of slavery. Finally, the last section covers acts to abolish bondage in terms of their content and implementation from 1920-1976.

Hindu law of slavery

In dealing with the ancient Hindu Law of Slavery, four fundamental aspects have been discussed: *(a)* classification of slaves; *(b)* rights of slaves regarding property; *(c)* modes of manumission; and *(d)* the administration of the ancient Hindu Law of Slavery in the early nineteenth century. The ancient Hindu law-givers like Kautilya, Manu, Narada, Katayayana, Yajnavalkhya and others formulated a set of legal rules, regulating the system of slavery. These rules primarily pertain to categories of slaves, their rights, and finally the conditions under which emancipation could be effected.

Narada's classification is the most comprehensive, and includes the categories of Kautilya's nine-fold and Manu's seven-fold classifications.[1] The categories of slaves, according to Narada's classification, are *(a) grihajata,* or one born at his master's house of a female slave; *(b) kreeta,* or one purchased by the payment of a price; *(c) lubdha,* or one received (as a gift); *(d) dayadopaguta,* or one obtained by inheritance (that is, one who was the slave of the father or other ancestor); *(e) ankulabritta,* or one maintained during famine (that is, one who during famine, was saved from death in consideration of his becoming a slave); *(f) ahita,* or one who was

pledged by his master (that is, one who was made a pledge upon the acceptance of money by the master); *(g) rinadasa,* or one released from a heavy debt (one who was reduced to slavery by being freed from his debts); *(h) joodhprapta*, or one acquired as a captive in war; *(i) punajita*, or one won through a wager (one won after a stipulation 'In case I am defeated in this dispute, I shall become your slave'); *(j) oopagata*, or one who has offered himself saying 'I am thine' that is, one voluntarily offering himself as a slave; *(k) prubrujeabusita,* or an apostate from asceticism (one who has swerved from the vow of asceticism); *(l) kritakala,* or one enslaved for a stipulated period (one made slave with the stipulation 'I shall be your slave for such a time'); *(m) bhuktadasa*, or one who has become a slave in order to get a maintenance (or one who has entered a perpetual state of slavery in lieu of maintenance; *(n) burrubabhritta*, or one led by a female (a female slave born in the house; one led by her out of a fancy for her; one who has married her and entered into slavery); *(o) atmavikrayee*, or the self-sold (one who sells himself).[2]

This classification, while bringing out the economic and social compulsions which forced people to incur a state of slavery, does not throw any light on the caste factor. Classical Hindu texts mention *shudras* as the 'servile' caste, 'as the servant of another, to be expelled at will, to be slain at will'; this caste had to bear the entire burden of serving the other castes—the *brahmans, kshatriyas* and *vaishyas*, and its position was akin to that of the slave. But not all slaves were *shudras*, for *kshatriyas* and *vaishyas* could be reduced to a state of slavery, if they failed to abide by the rules of the fourth order, i.e. *sanyas* (asceticism); and only a *brahman* was exempted. This is corroborated by the following statement of ancient law-givers:

> slavery should be known as limited to three classes, never can a *brahman* become a slave. The servitude of men of military, commercial and servile classes who give up their freedom, was to be in the direct, not in the inverse order of classes ... (Katayayana)[3]

He further added

> when men of the three twice-born classes forsake the fourth order (proper to the twice-born), the king should banish the

> man of the sacerdotal class and reduce to slavery a man of *kshatriya* (or military) class.[4]

Right of property, evidence and contract

The Hindu law denied slaves the right to acquire or possess property in their own name. Narada and Manu had both declared that 'a wife, a son and a slave can legally have no exclusive property of their own and that whatever they acquire belongs to their owner.[5] This principle runs through the entire body of early Hindu slave legislation, but there is some evidence which mitigates the principle in favour of the slave. Katayayana, although admitting the master's control over the goods of his slave, was of the opinion that the master had no right over those goods which the slave acquired with his master's permission

> the master is declared to be the owner of the property which was of the slave. But to what was obtained by favour or by sale of that property the master is not entitled.[6]

This view is supported by a passage from Chintamani, which makes clear the fact that whatever property was obtained by a slave with his master's permission was the slave's property and the master had no right to it. Balachunder Shastree also expounded the same doctrine. From the above evidence of ancient Hindu legislators, *one* uniform rule emerges regarding the slave's right to ownership of property. This is but obvious because the slaves were themselves considered mere objects or commodities of the master, who exercised an unquestioned control over their person, labour and possessions. Where the masters permitted slaves to possess property, there existed an element of patronage: on the one hand, there was total exploitation of a person and his labour, while on the other hand, minor concessions were granted, which ultimately had no bearing on the stability of the system based on an unequal relationship.

As regards right of evidence and contract, Sir William Jones has stated that according to Manu, the evidence of a slave was generally inadmissible,[7] but the validity given to a contract made by a slave which the latter had no right to rescind,[8] invested him with some of the functions of a witness and free agent. Steele further asserts:

> a slave is not excluded from giving evidence as such, provided he possesses intelligence and is trustworthy, but he cannot be witness in his master's cause. This is on the general rule of incompetency.[9]

However, these observations of Steele do not seem to have been shared by the majority of ancient legislators; most of these followed Manu in denying the slave the competency to act as a witness in law suits. Whatever right was granted to the slave as a contracting party was not much of a privilege, since Manu only granted it in cases in which the slave could not rescind the contract.[10] From this it follows that the slave had practically no right either to give evidence, or to make a contract. Besides, in a state of slavery, a person was dispossessed entirely of the right of his bargaining power, and even if a minor concession to make a contract was granted, it would have had a negligible impact on the existing master-slave relationship. Further, in order to be a witness, the slave was required to possess intelligence and be trustworthy, and whether this was the case was to be decided by the protectors of the master's interests.

Modes of manumission

> The home-born; one bought; one received (by gift); and one received by inheritance—cannot be released from slavery except at the pleasure of their masters, (for) their servitude has come by descent. The human wretch who, being independent, sells himself is the vilest of (them) all. He cannot be released from slavery. Of all these, whoever rescues his master from imminent danger to his life should be released from slavery and should receive a share of a son.[11]

However, this was not unrestricted generosity as the successful saving clause was duly qualified. It was added that the master's peril must be such that the slave rescues him at the risk of his own life. Without this proviso, it was pointed out, slaves might be too anxious to bring their masters into danger whence they could easily rescue them.[12] The descendants of the above four categories were also doomed to permanent servitude; only death could emancipate them. Even death was qualified—death arising from the slave's own

act (suicide) did not release the slave from servitude, because the slave who thus killed himself, remained the slave of the same master in another birth.[13]

Yajnavalkhya believed that 'He who having become a *sanyasi* (a religious ascetic) falls from that order, shall become the slave of a king for life'[14] until the time of his death.

Narada stated that 'One maintained in a time of famine shall be released from slavery on giving a pair of oxen'; as whatever had been the maintenance expenditure on the slave could not be repaid either in cash or by contributing labour.[15] One pledged was also released when his master redeemed him by discharging the debt. On paying a debt with interest, a debtor was released from slavery.[16] He who became a slave by saying 'I am thine', one made captive in war, and he who was won in a stake, were emancipated on providing substitutes whose capacity of work was equal to theirs.[17]

One who became a slave for a stipulated time was released immediately on giving up subsistence; one captivated by a *vadava* (a domestic female slave) was freed from slavery on giving up connexions with her.[18] According to Katayayana 'If a man approaches his own female slave, and she bear him an issue in consequence, she should, in consideration of the seed, be enfranchised with the child' for *bijam* (means) seed or offspring of good qualities.[19]

As a favour a slave could be released from bondage; Narada outlined the procedure for such an event:

> He who being pleased in mind, wishes to emancipate his own slave, shall take from his shoulders a jar filled with water containing uncrushed grains and flowers and having declared him a free man three times, he shall dismiss him with face turned towards the east. From that time onwards, he should be called 'one protected by the master's favour', food may be eaten with him and a gift may be conferred upon him; thus he becomes approved of the good.[20]

On the basis of the various modes of manumission enumerated by the ancient legislators, it may be concluded that in most of the categories of slaves, emancipation was well close to impossible—the state of slavery extended for life, and after death passed on to the descendants. For the first four categories, it is clearly stated that

they were doomed to lifelong servitude; while in some cases (such as those enslaved for debt, for a stipulated period against maintenance, or for attachment to a female slave) emancipation could be effected; in other cases (such as enslavement during famine, war, in the course of a wager, or voluntary servitude), the preconditions for emancipation were stringent enough to nullify the process altogether.

Practice of the Ancient Hindu Law of Slavery under the British: On August 21, 1772, the President and Council of Bengal laid down certain rules to be observed in the administration of justice: 'In all suits in which Hindus are concerned they shall have the benefit of their own laws, as expounded by their *pundits'* (Hindu law officers). Keeping this rule in mind, cases pertaining to slavery were judged according to Hindu law:

> In a case tried in Chittagong in the year 1818, a strange claim of joint proprietorship in a female slave had to be decided. A female slave happened to belong to two masters. One of them gave her permission to marry another man's slave and to live with her husband. The other (owner) took recourse to judicial action and claimed in Court either half the slave's person or half the price of her person as his legal share. The *pundits* declared that the woman in question was, according to the Hindu Law, to be considered as a coparcenary property i.e. possessed co-jointly by more than one owner. He, therefore, argued that as the consent of one of her legal masters had not been obtained prior to the marriage contracted, the claimant was entitled to have the slave's labour; and the British Court decided accordingly.[21]
>
> In 1819, the judges of Chittagong Court had to decide a case where a female slave with two daughters was involved. She was emancipated by her master, but being unable to support herself and her daughters, out of dire necessity was compelled to dispose of herself and her two daughters to another person, after obtaining the consent of her former master. The question now arose whether the two minor daughters were legally entitled to emancipation after becoming majors. The *pundits* on being asked for their opinion, held that the girls were not entitled to emancipation and had no power to rescind the contract, since they had been sold by their previous master's

consent. This consent was in their opinion an essential element of the mother's contract with the new master and deprived her children of every claim to freedom. Apparently, it never occurred to the *pundits* that the mother had been emancipated by her previous master and that the consent could, therefore, have been dispensed with. What mattered to the *pundits* was that there had been a consent, the nature of the consent did not matter; and the children were doomed to slavery.[22]

There was a case tried in Sylhet in 1825, in which the inhabitant of the place wanted to sell his female slave and her family consisting of four sons and a daughter. The slaves were ready to serve their former master but objected to the sale on the ground that they did not want to leave their place of birth and they were being sold to different individuals living in different places. As a result they made an application to the Court to ascertain whether under the Hindu Law, as administered in Sylhet, they could legally object to such a sale or not? If this was not possible, could they at least select any other suitable person as their purchaser? And if this could not be granted, would it not be possible for them to purchase their own liberty by raising the sum demanded? The Magistrate of Sylhet, finding the case too complicated, referred it to the Supreme Court in Calcutta. There, the *pundits* declared that there were five classes of slaves who could not effect their emancipation even by paying the price set upon them by their master, inasmuch as the master's authority extended also to the property of his slaves. The complaint to be decided fell under the category 'the slave born in the house', making it impossible for the slaves to buy their freedom and at the same time empowering the master to exercise his ownership without any legal restraint. The *pundits* also pointed out that this was a case where a master's right could be justly curtailed and limited by the appeal that 'judgement is not to be formed, relying on the *Shastras* alone'; for a failure of justice is produced when an enquiry is not adopted to circumstances. Hence the *pundits* finally decided that the selection of the purchaser would be left, without any objection, to the discretion of the slaves. However, the British Judges and the Hindu *pundits*, conveniently ignored the possibilities of the slaves themselves raising the sum demanded to purchase their emancipation.[23]

A perusal of these cases, judged within the context of the ancient Hindu Law of Slavery, highlights the following aspects—first, in theory and practice, a slave's right to emancipation was virtually non-existent; second, liberation from servitude was absolutely impossible within the legal system which was heavily biased in favour of the slave-owners who were invested with all the powers and privileges required to maintain the system; and finally, slave women suffered as a class, and, also, where they were not directly under the control of the master, by sheer virtue of their conjugal ties with a slave, were subjected to being treated as a possession of the slave-owner.

H T Colebrooke has accurately summed up the ancient Hindu Law of Slavery:

> Early Hindu Law fully recognizes slavery. It specifies in much details the various modes by which a person becomes the slave of another and which were reducible to the following heads, viz. capture in war, voluntary submissions to slavery for diverse causes (as pecuniary consideration, maintenance during famine, etc.); involuntary for the discharge of debt, or by way of punishment for specific offences; birth as an offspring of a female slave; gift, sale or other transfer by a former owner; and sale or gift of offspring by their parents. It treats the slave as the absolute property of his master, familiarly speaking of this species of property in association with cattle, under the contemptuous designation of 'bipeds and quadrupeds'. It makes no provision for the protection of the slave from cruelty and ill treatment of an unfeeling master; nor defines the master's power over the person of his slave; neither prescribing distinct limits to that power, nor declaring it to extend to life or limb. It allows to the slave no right of property, even in his own acquisitions, unless by the indulgence of the master. It affords no opening to his redemption and emancipation (especially if he be a slave by birth or purchase) unless by the voluntary manumission of him by his master, or in the special case of his saving his master's life, when he may demand his freedom, and the portion of a son; or in that of a female slave bearing an issue to her master, when both she and her offspring are entitled to freedom, if he have not a legitimate issue; or in the particular instances of persons enslaved for temporary

causes (as debt, amercement, cohabitation with a slave and maintenance in consideration of servitude) on the cessation of the grounds of slavery, by the discharge of debt or mulct, discontinuance of cohabitation or relinquishment of the maintenance.[24]

Muslim Law of Slavery

The Muslim Law of Slavery, like the Hindu law, consists of rules to regulate the system of slavery. Hedaya and Futwa Alamgiri were the two principal sources which were referred to in the Courts in India, during the period of British rule.[25] It should be clear that this interpretation of Muslim law was one evolved by the British, and the Muslim legal functionaries they appointed for adjudication, and not an evaluation of Koranic and other precepts on the subject.

Origin of Slavery: The Muslim law states

all men were by nature free and independent, and that no man could be the subject of property, except an infidel inhabiting a country originally not under the power and control of the faithful, but afterwards conquered and subdued. The right of possession which the Muslims claimed to have over Hurbees (i.e. infidels at war with Islam) was acquired by Istula, which means 'conquest by force of arms'. The original right of property, therefore, which one man possesses over another, could not be acquired under the first instance, either by purchase, donation or inheritance. Therefore, when an *imam* (or head of the Muslim community) subdued by force of arms any one of the cities inhabited by infidels, such of the inhabitants as were taken prisoners became his rightful property, and he had the power of putting them to death, or making them slaves and distributing them amongst *ghazees* (i.e. victorious soldiers, particularly when fighting against infidels). He could also grant them liberty and permission to live in a Mussalman country, but had the right to levy capitation tax. Should he, however, choose to make them slaves, they became his legal property and were transferable either by sale, gift or inheritance; but after captivity if they became converts to Islam, they could no

longer be put to death, though they continued to be slaves. As the main idea was that slavery was the necessary consequence of original infidel status subsequent conversion to Islam did not cancel the state of bondage to which the individual had been legally reduced to by Istula. On the other hand, Istula was strongly insisted on as an essential factor without which no man could be claimed as another man's property.[26]

Thus the form of exploitation based on slavery was subsumed under what was merely military and religious expansionism.

Capture in war was an ever increasing source of slaves; the captives and their descendants were always doomed to slavery. Another source where subjection to slavery was possible was in the case of a slave woman bearing the child of a man who was not her master; her child was legally known to be a slave. It was unlawful for a man to sell himself except

> when he was unable to pay properly for which he was liable, or was nearly dead of hunger, and saw no means of preserving his life other than by sale of himself, or was reduced by famine to such an extremity that it was lawful for him to eat a dead body, but rather than do so he preferred to sell himself.[27]

From this it seems that the sale of a free man by himself was considered lawful under certain circumstances.

Classification of Slaves: Slavery under the Muslim law could be classified into two groups—absolute and qualified. Those in a state of entire or absolute bondage were under the control of their master for the full duration of the period of their slavery. All their actions were in execution of their master's orders; and they could not perform any task which did not meet their master's approval and consent.

Slavery could be permanently modified in three different ways, *(a)* by *kitabut,* or an agreement for emancipation in lieu of ransom; *(b)* by *tadbeer* or gratuitous emancipation, to take effect at the master's death; and *(c)* by *isteelad*, which amounted to a slave bearing a child to her master. The absolute slave was known as *kinn* or *rukeek*. The qualified slave was either a *mukatab*, *muddabar* or *um-ul-vald*—terms corresponding to the above mentioned conditions.

Kitabut was a contract between the master and his slave, the object of which was to make the latter free immediately as to his hand (or powers of actions) and eventually as to his person, on payment of the ransom. During the period of *kitabut*, the sale of the slave, now known as *mukatab*, was forbidden. This contract empowered the master to demand the ransom when it was due and reaffirmed his right of property in the slave in the event of non-payment. There were two types of *kitabuts*—one limited to the person and the other extending to the person and his property. Under the first, whatever may be in the possession of the slave before the *kitabut*, belonged to his master but his gains after were his own; if there should be any surplus after payment of ransom, it belonged to the slave. Under the second, whatever may be in the possession of the slave at the time of *kitabut* or may have been acquired subsequently by him, was his own. By the slave's property one refers to whatever may come to him by gain, trade, free-gift or charity.[28]

On failure to pay an instalment of the ransom, the *kitabut* could be cancelled by the judge on the basis of *ikalah* or mutual dissolution; but death did not nullify the contract. In the case of the master's death, the *mukatab* had to pay ransom to the former's heirs. If a *mukatab* died, without leaving sufficient means for payment of ransom, the *kitabut* could either be cancelled, or if he was survived by a son, the son had to work out the *kitabut* and on failure to pay the ransom, he was remanded back to slavery.[29] A *mukatab* was not a fit subject for sale, gift, pledge or hire. The privileges enjoyed by a *mukatab* were counter-balanced by disadvantages: he could not, for example, enter into a marriage contract without the consent of his master.

A *mudabbar* was a slave to whom liberty was promised after the demise of his master. The promise or *tadbeer* was either absolute *(mootluk)* or conditional *(mookuyyud)*; in the latter case his liberty did not materialize unless the conditional clause had been realized within the stipulated period. Like the *mukatab*, *mudabbar* was not a fit subject for gift or sale. But labour could be extracted from him and his services could also be hired out. This class of slaves was subjected to the general laws of legacies and debts, and they could be legally claimed by heirs as any other description of property. As regards promise of freedom after the master's demise, this was essentially in the nature of a bequest; and the slave could only be freed out of the bequeathable one-third of his master's estate.[30] If

the master left no other property, the slave was entitled to perform labour for the benefit of heirs and creditors to the extent of the missing two-thirds of the property. But if the master died entirely insolvent, the promise of emancipation was held in abeyance till the *mudabbar* had made good by his labour the full amount of his value.[31]

An *um-ul-vald* was a female slave who had borne a child or children of her master. She was better off than the male slave for she was granted emancipation unconditionally after her master's death, no matter if her master died in a state of insolvency or otherwise.[32]

Licensed slaves did not form a class by themselves, but like their fellow slaves, they were either in a state of entire or qualified bondage; they were called licensed slaves because their masters had licensed them to trade, constituting them *manznun* (license). As long as they enjoyed this privilege, they were held responsible for all their actions. If a licensed slave became insolvent, his person and all his goods were liable to be sold for the benefit of his creditors; if after selling the person and goods of an insolvent slave, there was any su plus left, the excess of the sale proceeds belonged to the slave's ma ter.[33]

Legal status of slaves : Under the original Muslim law, a slave was the absolute property of his master, so that if a master was to kill his slave, he was not liable to penalty.[34] This absolute domination is further borne out by the fact that the master was at liberty to use and abuse his female slaves. Shafei, a renowned jurist, contended that the master's power to chastise his slave (in legal terms, his power of restraint and coercion,, was absolute and exceeded that of a *kazi*. He argued that the master was authorized to inflict the legally sanctioned punishment of death on a slave guilty of fornication. The jurists of the Kufa school held another opinion: in case of fornication, it was right to chastise, but wrong to kill the guilty slave.[35]

Gradually the power of the master was modified; in the course of time the *futwa* of the *muftis* (Muslim Law Offficers) of the *Sudder Dewanny Adalat* (Chief Civil Court) laid down that the power of moderate correction was limited, and if it was abused to an extent amounting to cruelty in the eyes of the ruling authority, the master was liable to incur *akubat* or *tazir* (discretionary punishment and even death penalty in the case of murder of a slave). The term

'cruel treatment' was however, too vague to prove that the master was indeed cruel in his behaviour. In Hedaya, an example is cited of what would be considered 'cruel treatment': 'It is abominable to fix an iron collar on the slave's neck whereby he may be unable to move his neck. For such is the practice of tyrants and such is the punishment for the damned'.[36] The charge of cruelty could also be waived aside on account of necessity; Hamilton states, for instance, that a Muslim master was entitled to exercise a certain amount of force whereby he could legally restrain his slave from absconding. Such a practice was in accordance with the custom, which prevailed among Muslims, of confining insane and mischievous persons.[37]

Relations between the master and slave were to some extent determined by the law of retaliation or the right to claim compensation for a wrong. In theory, this right was applicable to both the slave and the master, but in practice, it seldom worked in favour of the former. When the slave was the offended party, the retaliation was generally in the nature of a fine. If a free man murdered a slave, the law of retaliation was applied; but if the murderer happened to be the master or master's father, the right of claiming compensation lapsed. Though not explicitly stated, there is some evidence to show that the compensation went to the master if his slave was murdered or injured by a third party, and that the compensation had to be paid by the master if his slave injured or murdered a third party.[38]

A slave's power over himself was necessarily suspended while he was subject to that of another; accordingly, he was incompetent to do anything that implied the exercise of authority. In short, he was unfit to be a witness, a judge, an executor or a guardian; neither could he inherit: a bequest to him was a bequest to his master.[39] The Muslim law mentions privileges granted to slaves: they could not be sued in a Court of Law, except in the presence of their master; the responsibility for the slave's action rested with the master as the slave himself was but a senseless object. They were exempted from paying taxes and could not be imprisoned for debt, which was the obvious result of being denied the right to own property or to earn for themselves. In criminal matters, they were treated more leniently than the free man, not because they deserved pity, but because they were 'inferior' men, deprived of a moral sense of rectitude, and could not therefore, be judged by the common law.[40]

Sale of slaves: As the master exercised absolute control over his slaves, he could dispose them by sale; the sale of slaves was a matter of minute legal prescriptions, which had to be observed in order that it might be valid. The laws regarding the sale of slaves were not to benefit the slaves, but to safeguard the interest of the buyers. Hedaya elucidates the circumstances under which the sale of slaves was deemed invalid: first, in the case of a purchased child who developed a defect in childhood; second, bad odour, after effects of continency and uterine disease in a female slave bought for the purpose of cohabitation; third, by the insertion of clauses repugnant to the very nature of the contract (that is when the seller sold a slave reserving for himself certain advantages that might accrue from the slave's labour or person); fourth, the sale of an unsaleable person (that is a free person) and that of an absconded slave; and finally, deception regarding sex and religion of a slave.[41] The buyer's interests were further protected by the legal provisions made in his favour to claim compensation in cases of deception.

Emancipation: It is apparent that the master exercised total control over his slaves, who could be bought or sold according to the whims of the master. Just as the master was at liberty to keep them in a state of bondage, he was at liberty to set them free. Under certain circumstances, it became the duty of the master to set his slave free; particularly when he made a vow that he would emancipate his slave as soon as he became the master of another slave. The fulfilment of such a vow was followed by emancipation.[42]

The second instance of emancipation is mentioned in the Koran, where the master is advised to grant a convenant *(kitabut)* to his Muslim slave in whom he finds 'good'. The covenanted slave became a *mukatab*, a slave who could secure his freedom by paying a ransom, either whole or in instalments. It was customary that the annulment of the covenant and the formal declaration of freedom was judicially pronounced after due enquiry had been made,[43] and this covenanted enfranchisement differed from simple manumission by the exchange of the property agreed to by the two contracting parties. It was therefore, in the nature of sale, the slave being both the purchased and the purchaser. In the case of a covenanted slave who was made a *mukatab*, his freedom was secured before the payment of the ransom, so that the ransom to be paid was not in the nature of a debt, but allowed to exist from necessity. But if a contract between master and slave was not made by *kitabut,* the slave did not

become a *mukatab*; he secured his freedom after paying the ransom decided upon.[44] It is interesting to note that emancipation did not sunder the relations between the master and the emancipated slave. The result was that in certain circumstances the master had to pay a fine for an offence committed by his liberated slave. If the emancipated slave left any unclaimed property, his former master had a right to claim it.[45]

Administration of Muslim law under the British: The British followed the same policy as they had adopted with regard to Hindu law; for cases involving Muslims, they appointed *muftis* in the courts in India.

Judging whether a child born of a female slave was the property of the mother or her master, the *muftis* stated that according to the Muslim law, the term slave signified a person who became the property of Muslims by capture in a hostile country, or was a descendant of those held in captivity. Children born of such women were, therefore, the property of the master. Their interpretation was based on the authorities of Shurhi, Vijaya, Hedaya and others: 'the embryo follows the mother both in slavery and emancipation'.[46]

What is illuminating is the parallel that can be drawn in terms of the content and form of slavery embodied within both the Hindu and Muslim laws of slavery. However, certain differences can be pointed out in terms of legal and religious interpretations—a question that is of peripheral nature in understanding the essence of slavery.

Anti-Slavery Laws Prior to 1843

The application of the laws of slavery under British rule in the light of Hindu and Muslim traditions has already been discussed. It is clear that in the administration of justice, especially with regard to slavery, the British followed a policy of non-interference, amounting to apathy. This policy was rationalized by arguing that the government had pledged to administer to the 'natives' their own laws in matters of property, inheritance and contract, and therefore, the infringement of this principle would amount to inconsistency. The term 'native', for obvious reasons, did not signify the vast multitude of the oppressed population of India; it merely covered the affluent section whose support was imperative for the British in order to consolidate their colonial possessions. While maintaining consistency

in their policy of non-interference in social customs and usages of the term 'native', the British Government enacted laws pertaining to slavery at the end of the eighteenth century and during the first quarter of the nineteenth century, but all these were merely to restrict slave trade.[47]

The enactment of the various laws primarily dealt with the sale of slaves, either through importation and exportation, or in lieu of judicial or revenue decrees; the practice of export and import of slaves for the purpose of sale was declared illegal, with provisions for penalties for the offenders. These enactments achieved some success, but in the long run, their impact on the institution of slavery was negligible for reasons which are obvious. They were restricted to only one aspect of the problem—the slave trade. Most of the local enactments were the consequences of the failure of the previous enactments. These enactments, with their myopic solutions, failed to bring about a permanent change in the system of slavery, nor were they intended to do so.

Prelude to Act V of 1843

The period between 1834-1843 was characterized by persistence on the part of the Court by Directors of the East India Company (who repeatedly issued directives to mitigate the state of slavery in India and to ameliorate the conditions of slaves), versus resistance from their counterparts in India towards the fulfilment of such directives. A perusal of the history of this period is essential for understanding the overall policy of the British with regard to slavery.

As far back as 1774, Indian slavery had attracted the attention of the Court of Directors of the East India Company, and this interest was intensified by the anti-slavery agitation in England. But the subject of Indian slavery was not broached in British Parliament till 1830, when the Select Committee of the House of Lords heard the evidence of British officials who had served in India—Baber, Campbell and Warden among others.[48]

This was the first stage which finally led to the appointment of the Indian Law Commision of 1835.[49] The second stage was the Charter Act of 1832, which contained several directions for the guidance of the Government of India; some even referred to slavery

and suggested that the Governor-General should take into cognizance the means of mitigating the state of slavery, and of ameliorating the conditions of slaves 'as soon as such extinction shall be practicable and safe; and should prepare drafts of laws and regulations for the purposes aforesaid'.[50] The third stage was a despatch from the Honourable Court of Directors, dated December 10, 1834, which gave instructions regarding the manner in which the intentions of the legislature as expressed in the Charter Act should be carried into effect; it also added that 'the law should be made as severe against the injuries done to a slave as if it were done to any other person'.[51] On June 15, 1835, the Indian Law Commission was formed, with Macaulay as its head. The primary task of the Commission was to prepare a criminal code for all parts of the British Indian Empire, covering all cases of subjects, irrespective of caste and creed. As early as August, 1835, the Commission was involved in a study of slavery administration in India; and eventually performed the dual task of preparing the criminal code of 1837, as well as the Anti-Slavery Report of 1841.

The First Report of 1839: In reply to the Home despatch of December 10, 1834, the Governor-General of India wrote to the Court of Directors in a letter dated August 31, 1835:

> The delicate question of slavery in India will be shortly referred to the consideration of the Law Commissioners. At present, it is only necessary to communicate our cordial agreement in the just, enlightened moderate views entertained by your Hon'ble Court upon the subject.[52]

Although the attention of the Law Commissioners was drawn towards the issue of slavery as early as 1835, no effort was made in that direction for the next two years. While the Penal Code of 1837 was being drafted, it became apparent however that the existence of slavery rendered of primary importance a decision regarding how far the status of slavery in any of the parties should affect the criminality of the act.[53] Also, in 1838, the enormous mass of correspondence received by the Law Commissioners, demanded that a separate report on slavery was required. Accordingly, the Law Commissioners suggested to the Government that some of its members should be detached for the purpose of local enquiry, which

would enable them to declare the time and means for the effective abolition of slavery. The reply of the Government of India to this suggestion was (in a letter dated November 26, 1838) that 'it was not the intention of the President in Council to direct them to institute an inquiry into the state of slavery in a manner in which they had suggested'.[54] Meanwhile, the Court of Directors, in a letter of August 29, 1838, had already issued orders that the attention of the Law Commissioners should be immediately recalled to this question, and that the report on the means of carrying out the remedial measures should be forwarded to them with as little delay as possible.[55] Finally, the persistence of the Court of Directors triumphed over the vacillating policy of the Government of India, and this enabled the Commission to make the following recommendation:

> No act falling under the definition of an offence should be exempted from punishment because it was committed by a master against his slave.[56]

This recommendation was fully accepted by the Court of Directors, but it evoked a tirade of attack from the Government of India. The Governor-General emphatically asserted that the law as it actually existed in every part of British India made the enactment of a new law unnecessary. The existing law was fully in conformity with the wishes and directions of the Honourable Court of Directors.[57] The Law Commissioners were in total disagreement with the contention of the Governor-General; they felt that it was based on certain inquiries made by the Court of *Sudder Dewanny Adalat* (Court of Appeals). They cited three reasons which made the enactment of the law imperative.

First, there was a lack of uniformity as regards the protection extended to slaves by legislative enactments in the various parts of India. The law, in some parts of British India, was in conformity with the wishes of the Home Government, but in other parts it was not so; and in still other parts, it was such that no one could say with certainty whether it was or was not in conformity with the intentions of the Home Government. The interpretation of the law varied with the sentiments of the various judicial functionaries; and it may be presumed that with the change of the functionaries, the law was also likely to change its course.[58] Observations of some of the judicial functionaries ascertain this fact:

Mr C Hardinge, the Commissioner of Circuit of the Twelfth Division stated:

> Complaints between master and slave are of such occurrence, and the practice of Courts so different according to circumstances, that it is impossible to reply to this question satisfactorily. If a master without due provocation seriously maltreated his slave, he would be probably fined and admonished. If he moderately chastised him for impudence, disobedience or neglect of duty he would be considered justified in doing so.[59]
> In the Lower Provinces, the judicial functionaries did not agree among themselves but they concurred in upholding the right of correction by the master. However, nearly half of them made no distinction between the treatment of a slave and that of a free man.[60]
> In the Upper Provinces the principle obtained that in criminal matters no distinction was to be made between master and slave. In spite of this, the judicial functionaries were left free to decide what course they should pursue in such matters.[61]

Second, there was bewildering confusion resulting from the uncertain state of the law. From the statements made by judicial functionaries, it was apparent that people were not supposed to be acquainted with the intricacies of various laws regulating the system of slavery. Slaves were not told what their rights were, and were advised to leave this matter to the discretion of the judges. In the words of an officiating Magistrate of South Cuttack

> It does not signify whether the ill treatment of the master or the alleged cause of dissatisfaction on the part of the slave is substantial or not. We do not recognize slavery, you may go where you please; and if your master lays violent hands on you, he shall be punished.[62]

Third, the available sources of information (Hindu Law, Muslim Law and Regulations) could mislead even a capable lawyer. The Muslim law contained an assortment of so called legal rules, more often in conflict than in concord with each other. The Hindu *pundits* contended that all litigation concerning slavery was to be adjudged by the criminal law, which in practice meant the Muslim

Criminal Law since it had superseded the Hindu Criminal Law. Regarding this contention of the Hindu *pundits,* the Law Commissioners held a different opinion; according to them, slavery did not belong to the criminal branch of the then existing law, but to the law of person or status. As regards regulations, they were not meant to constitute a complete code, and were merely a supplement and corrective to Hindu and Muslim Laws.

This information formed the basis of the view expressed by the Law Commissioners while replying to the point raised by the Court of Directors: whether or not an express enactment of the law was necessary to mitigate the state of slavery in India. Accordingly, the Commissioners drew up the Draft Act, which was submitted for the approval of the Supreme Government along with their report of February 1, 1839

> It is hereby declared and enacted that whoever assaults, imprisons or inflicts any bodily injury upon any person being a slave under any circumstances which would not have justified such assaulting, imprisoning, or inflicting bodily hurt upon such person if such a person had not been a slave, is liable to be punished by all Courts of Criminal Jurisdiction within the territories subject to the Government of the East India Company, as he would be liable to punishment by such Courts if such a person had not been a slave.[63]

In order to make the purpose of the Draft Act apparent in its whole intent and purpose, the Council of India added to it the following words:

> Being a slave either by way of punishment or of compulsion, or in prosecution of any purpose, or for any other cause, or under any pretext whatsoever.[64]

According to the Draft Act, bodily hurt inflicted on a slave was to be made a punishable offence. One of the members of the Law Commission, in a separate minute, requested for the extension of the Draft Act to include the practice of moderate correction', and suggested that this right should be abolished as it was liable to be grossly abused by the master.

In order to implement the intentions of the Draft Act, the question of expediency arose—whether there would be resistance or

dissatisfaction to an extent that would jeopardize the enactment of the Act. To ascertain this, it was suggested that the acquiescence of the public in the changes already introduced with regard to slavery be considered. On the basis of the experience of earlier enactments, the Law Commissioners came to the conclusion that the cause of slavery was advanced by the worst sort of society; the influential and respectable elements of the community were ready to obey the commands of the ruling power by protecting the slaves from oppression, and the fears of the Government leading to non-interference in the religious and social practices of the people of Hindu faith were unfounded.[65] The Law Commissioners apparently overlooked the fact that in the previous enactments, the cause for dissatisfaction of the 'respectable and influential elements of the community' did not arise, because most of the acts were either not implemented, or were haphazardly implemented, and had therefore, practically no adverse impact on the existing system of slavery.

Some of the members of the Law Commission and the Governor-General's Council continued to persist that the Draft Act with the proposed extension should not be passed on the plea of inexpediency. An argument cited against the right of moderate correction being suppressed by the Act, was that it would leave the master helpless and encourage the slave to be recklessly lazy:

> the master will not in future be permitted to justify himself by a plea of moderate correction, however gross the misconduct, however wilful the disobedience, however reckless the negligence of his slave may have been ... The proposed Act leaves the master of the slave without the means either by his own personal correction or through the interference of a Magistrate, of compelling the services of the slave.[66]

It was contended that the Draft Act would serve no useful purpose as far as amelioration of the condition of slaves was concerned, because it was doubtful whether cases of moderate correction for misconduct, if made penal, would stand the slightest chance of being brought before a Magistrate, since there would be tremendous difficulty in establishing them.[67] Such a dilemma was understandable in the context: the attempt was to examine the laws of slavery, while at the same time protecting the rights of the masters. The result was a perplexed attempt to understand the workability of such legal

measures within the bourgeois legal system. Finally, attention was drawn to the fact that if the master's only legal means of demanding work from the slave was abolished, then the British Government was, in justice, bound to compensate the loss. Hence the postponement of the Act was advised. It was felt that the orders of the Court of Directors were most impervious, and left no discretion in the hands of the British officials in India; and that if the Governor-General and members of his Council, together with the Governments of Madras and Bombay, were unanimously of the opinion that the publication of the Act should be postponed; then alone would there be reasonable grounds for delaying the execution orders from the Home Authorities.[68]

One of the members of the Governor-General's Council objected on the ground that the Draft Act had a wider scope in effect than what was intended by the Court of Directors; it deprived the master of the power of moderate correction which was legally vested in him. If the Law Commission felt that an enactment could not be framed without releasing the slave from necessary control for the preservation of good order and sobreity of conduct, it was advisable to abstain from legislating on the subject before referring the matter to the Home Authorities.[69]

The Governor-General of India did not approve of the law in the form in which it was proposed; for it merely attempted to define and regulate the conduct of the master towards his slaves, without doing away with the institution of slavery itself.

> If we in this manner recognize the state of slavery, we shall incur a great danger of directly defeating our own intentions, and of becoming parties to the maintenance of that state of being led into different measures for the regulation of the rights and obligations incident to it.[70]

The Governments of Bombay and Madras concurred with the Supreme Government in doubting the expediency of the proposed law; thus the Government of India succeeded in thwarting the efforts of the Indian Law Commission embodied in the Draft Act of 1839. In any case, the new Act touched only the fringes of the problem—that in judging the criminality of an act, a slave should be on an equal footing as a free person. But the reactions sparked off, which ultimately succeeded in suppressing the Act, reflect the

inherent contradictions of the law-makers and the Government—who on the one hand, attempted to ameliorate the conditions of slaves; and on the other hand, protected the rights of the masters who perpetuated the state of slavery.

Anti-Slavery Report of 1841: The work of the Law Commission came to a standstill after the Act of 1839. In response to a reminder from the Court of Directors in a despatch dated July 29, 1840, 'Parliament and Public are becoming impatient at the delay', the Governor-General urged the Law Commission to devote their entire attention to preparing a new report at the earliest possible opportunity.[71] The result was the Anti-Slavery Report of 1841.

The thirty-three recommendations of the 1841 Report had taken into cognizance, three different forms of labour—contract labour (recommendations 1-10), slave labour (recommendations 11-27), and bonded labour (recommendations 28-31).

In recommendations 1-10, conditions under the contract were not defined; but since these recommendations were a part of the measures to mitigate the state of slavery in India, it may be concluded that the term 'contract' referred to those contractual relations wherein the freedom of the individual entering into the contract was restricted, whether it was for life or a number of years. These recommendations, although framed as measures to bring about a gradual extinction of slavery, perpetuated in the long run, a dominant condition inherent in slavery (the prevalence of control over both the labour and person), by legally sanctioning contracts for life or for a number of years. Such contracts by registration permitted parents or guardians to sell or apprentice their children, as only impersonators with their accomplices and abettors were liable to be penalized.

The recommendations regarding slaves merely regulated the system of slavery, and contained measures to check abuses (recommendation 14), or even sanctioned slavery or hiring of the services of slaves in the case of Hindus and Muslims, and in the specific instance of slaves attached to land (recommendations 11 and 13). The workability of some recommendations (16-18; 20-23) seemed doubtful because of the difficulty in establishing cases of cruelty, prostitution and so on, given the status of the slave vis-a-vis that of the master; and also given the fact that it was virtually impossible for a slave to give evidence against the master in a court of law. According to recommendation 19, emancipation was possible if a price was

tendered to the master; the question was: who would pay this price—the slave or another master? Recommendations 24-26 referred to the sale of slaves: it was permissible to sell a minor slave with the consent of the parent or natural guardian, and in a situation where this was done without their consent, the defaulter was penalized (recommendation 25). The recommendations for the bondsmen (28-31) were no different from the ones for contract labour and slaves; they merely regularized debt bondage and made no attempt whatsoever to abolish it.

While commenting on the recommendations of the Anti-Slavery Report, the Law Commissioners were divided into two groups—the minority (Cameron and Millet) and the majority (Amos, Elliot and Borradaille).[72] The majority group observed that in view of the different classes of slaves in India, a general desire for freedom did not exist. They believed that when the advantages of slavery were weighed against the evils, few slaves under ordinary circumstances would voluntarily choose to abandon the service of their masters and emancipate themselves.[73] They agreed with the minority group that the impact of the evils incident to slavery in India, was rooted in the illegal acts perpetrated under the colour of slavery which were neither warranted by law nor by general custom. They were convinced that it would be a wiser and safer policy to direct their immediate attention to the removal of the abuses of slavery rather than to its sudden and abrupt abolition.[74]

While proposing the remedies for checking the abuses of slavery, the majority of the Commissioners were unable to concur with their dissenting colleagues. The main point of disagreement was the question of the power of coercion and restraint which the master already possessed for enforcing his slave's services, the effects of that power and the consequences that would arise from its abolition.[75]

On the one hand, they were fully aware that this power of coercion and restraint, was likely to result in excesses, and that its suppression by a legal enactment was tantamount to the abolition of slavery; on the other hand, they were reluctant to suppress this power on the grounds that in the absence of such power, slaves employed in field labour could not be induced to work with the same amount of industry as hired labour; they would do as little work as possible and may even desert the master. Hence the majority group hoped that the evil would be remedied in the course of time without

the necessity of passing a legal enactment.[76] In the event of passing a legal enactment to the effect, this power could not in justice and reason be taken away without the Government compensating the master, or without transferring the power to the Magistrate. After careful consideration of the whole issue, it was deemed advisable not to adopt either of these courses as both would result in innumerable complications.[77]

As regards compensation it was close to impossible to make adequate reparation for the loss that would accrue to the slave-owner. Every slave-owner would make it a point to exaggerate his claims.

> As a result whatever loss befell an estate cultivated by slaves would be ascribed indiscriminately to this measure. Moreover it would serve as a ready pretext whenever a landowner found himself in difficulties. If a proprietor for instance, fell in arrears of the revenue payable by him, he would express his inability to pay, either because he could no longer compel his slaves to work or because he was put to greater expense in paying his slaves extra allowances. Secondly, it would be an impossible task to satisfy all the demands for compensation ... and, therefore, looking to the trouble bestowed, the expense incurred, and the dissatisfaction provoked, there would be very little furtherance of fulfilling the object of compensation.[78]

The Commissioners also discussed the advisability of transferring the power of punishment and restraint from the masters to the Magistrates.

> whilst they were careful not to adopt any measure which would confirm and destroy the authority of the masters, they greatly objected to any measures which would confirm and give permanence to so debasing a picture. After a most mature deliberation they were convinced that a Magistrate could not force a slave to yield obedience and render service to his master, as this would be nothing else but giving effect to slavery on a more permanent and firm basis.

They decided then, to abstain from taking any step which would be prejudicial to the slave.[79]

Under these circumstances, the majority of the Commissioners proposed to leave untouched the lawful status of slavery, and with it the lawful power of the master to punish and restrain. They said that it was legal to correct the slave moderately, and to restrain him by the use of force which, if used on a free man, would amount to an assault; and that there was no need to be afraid of this vested power being exploited by the masters, because the law as it existed was sufficient in itself to punish any cruelty or unnecessary oppression on the part of the master.[80]

The Commissioners addressed themselves to the question of emancipation; it appeared to the majority of them that a provision enabling slaves to purchase their emancipation would produce a beneficial result, especially upon the slaves in Malabar.

> Such a provision, if introduced, would be beneficial both to the master and the slave, particularly where the advantages of freedom so decidedly overbalanced those that belonged to the servile condition; and as was in case of those parts of the country where the slaves were under constant temptation to escape, and where the masters found it difficult to exercise their power of control. It would then be of advantage to both the parties ...[81]

To sum up,

> The Law Commissioners were well aware that the recommendations made by them did not cover the whole field of anti-slavery legislations. However they had good reasons for limiting themselves to the recommendations quoted above. They abstained from recommending several other measures, because they did not deem it advisable to pass a legal enactment defining the mutual relations between master and slave; they preferred to leave things in a state as would gradually lead to a suppression of undesirable customs in accordance with the feelings of the people. Laws productive of benefit to the slaves were easy of enactment; but such laws would give stability to slavery and would confirm the rights that arise out of slavery. And, therefore, no better way of ameliorating the lot of slaves could be devised than to convince the slave that he could look upon the Magistrate as a sure protector in cases where there

were violations of rights which he was bound to enjoy in an equal degree as if he were a free man. The Law Commissioners were not prepared to confer upon the slaves new rights in addition to those already possessed by them, in spite of their knowledge that the effectual enforcement of such rights would render the status of slavery in some instances more bearable than it actually was. In fact they earnestly wished for the extinction of slavery in India, but they earnestly hoped for its extinction by the force of custom; and they looked to the kindly feelings of the master than to any positive enactment. Therefore, they were determined to confine legislation merely to the prevention of the evils of slavery.[82]

The above comments highlight the dilemma of the Law Commissioners: how to ameliorate the conditions of slaves without infringing the rights and powers of their masters and how to bring about the extinction of slavery without tackling the fundamental roots of the system. The question is, whether under the garb of legislating in favour of slaves, they were in fact legislating in favour of the slave-owners? They conveniently resolved their dilemma by 'earnestly hoping for its extinction by the force of custom' by looking to the kindly feelings of the master than to any positive enactment.

The comments of the members of the Council of the Governor-General were, on the whole, not in variance with those of the Law Commissioners, except the proposals of Lord Auckland, W W Bird and H T Prinsep. Lord Auckland was in favour of passing an act 'declaring that any act which would be an offence if done to a free man would be equally an offence if done to a slave or to anyone in any condition of dependence on a master'.[83] W W Bird was of the opinion that a law should be passed to the effect of *refusing to recognize slavery as a status in any form*; this would remove all the inconveniences and embarrassment which resulted from the absence of a uniform law on the subject, and from 'the law being one thing and the practice of (our) Civil and Criminal Courts another in almost every district'.[84] Mr Prinsep expressed surprise that no proposition had been suggested to make changes in the law of property and inheritance. This law, under the admission of slavery as a legal status, was particularly severe—in the respect that all that belonged to the slave was his master's property,[85] but Mr Prinsep's own attitude was one of non-interference in this matter. He felt that

the best course was to leave the inheritance of the slaves and the administration of their estates to the conscience and discretion of the Civil Judge as in the case of other questions relating to their treatment or condition.[86]

The Anti-Slavery Act of 1843: A Draft Act was drawn up in 1841, which once again led to conflict among the members of the Governor-General's Council; the master's right to correction became the major bone of contention. Since the situation was not yielding any positive results, it was decided to send all the papers relating to the Draft Act to the Home Authorities.

In their reply of August 27, 1842, the Court of Directors wrote:

> Having taken into consideration the provisions of the Draft Act, we approve of the enactments it contemplates. As the subject of slavery is one intimately connected with the customs and habits of the people of India, and requiring in certain localities a greater degree of caution and delicacy in dealing with it for its suppression than may be necessary in others, we leave to your discretion the gradual or simultaneous introduction of these provisions in such districts, and at such time you may consider most favourable to ensure their ultimate success in the immediate mitigation and final extinction of slavery in India.[87]

On January 24, 1843, the Draft Act was published in the Government Gazette. On February 11, 1843, Lord Ellenborough, the Governor-General of India, gave his assent to the proposed Act under Sections 70, 3 and 4, IV, C.85.

In February, 1843, following the publication of the Draft Act, the landowners of Bengal were up in arms against it; about 580 Bengali *zamindars, mirasidars* and *talukdars*, mainly belonging to the district of Sylhet, presented a petition against it. They expressed their fears that, if the proposed Act became a law

> it would tend to the ruin of all India, specially that of the respectable part of population of Sylhet. From time immemorial slaves of both sexes were engaged in the services of respectable men and performed drudgeries of various descriptions. According to the *shastras* and customs of the country, the slaves were alienable by sale, purchase and gift.

In support of their claim, the petitioners alluded to the non-

interference policy of the former governments, and also referred to regulations passed in 1793 which provided that the officers of justice should act in consonance with prevailing customs. Their opinion was that if slavery was to continue, it would not in any way prove injurious to the interest of the Government; on the contrary, it would prove beneficial: when matters relating to slavery were in litigation, large profits arising out of stamp-duties would accrue to the Government. Unlike the landowners in other districts, the petitioners claimed that they were 'men of poverty' and had no means of employing paid servants to perform duties which were ordinarily performed by slaves. They also dreaded that, if the proposed Act was passed into a law, the slaves would consider themselves men of respectability and would refuse to perform duties which were habitually assigned to them.[88] There were other such petitions from different parts of the country, but they were not heeded. The obvious question is: why did a government, which had so far upheld 'the usages and customs' of the natives of India, prove itself prepared to be coerced into a contravention of the principle it had so zealously guarded? What could be the economic and political exigency which prompted the British to now ignore such petitions to which it had been sympathetic in the past and to legislate against slavery in India? The necessity of ensuring the free mobility of labour to other parts of the Empire could constitute a powerful motive. On April 7, 1843, Act V was passed by the President of the Council of India with the assent of the Governor-General of India.

Act V of 1843 : This Act aimed to amend the law regarding the condition of slavery within the territories of the East India Company. It declared that *(a)* no public officer shall in execution of any decree or order of the Court or for the enforcement of any demand of rent or revenue, sell or cause to be sold any person on the ground that such person is in a state of slavery; *(b)* that no rights arising out of an alleged property in the person and services of another as a slave shall be enforced by any Civil or Criminal Court or Magistrate within the territories of the East India Company; *(c)* that any person, who may have acquired property by his industry, or by the exercise of any art, calling or profession, or by inheritance, assignment, gift or request, shall be dispossessed of such property thereof on the ground that such person or that the person from whom the property may have been derived was a slave; and *(d)* that any act which would be a penal offence if done to a free man shall be equally an

offence if done to any free person on the pretext of his being in a condition of slavery.

A close examination of the Act reveals that it was not aimed at abolishing slavery altogether; it was an attempt to improve the conditions of slaves, and to cease the enforcement of contracts to sell and purchase a person; in other words to prohibit the right to the compulsory labour or services of a person.

The Anti-Slavery Act of 1843 only covered the category of slaves within its purview and ignored the categories of bondsmen and contract labour. The British, as is evident from the Anti-Slavery Report of 1841, were aware of the existence of bondsmen and contract labour, but they conveniently ignored their existence while legislating against the state of slavery, primarily because slavery was replaced in the ensuing decades by these forms of labour.

It may be hypothesized that the passing of Act V of 1843 was not merely the consequence of the humanitarian concern of the British; rather, it was a calculated effort to break down this system of ownership of slaves by the indigenous masters, to facilitate the need of the hour, which was the supply of indentured labour from India to the British colonies. This new form of labour which emerged around the time the Act was passed and continued for almost a century later, did not have the implications of ownership of persons (as under slavery), but it nevertheless perpetuated exploitation under conditions of bondage.

Besides indentured labour, an Act known as the Workman's Breach of Contract (13 of 1859) was enacted to enforce performance of labour in lieu of an advance. This Act was designed to provide for the breaches of contract by artificers, workers and labourers; landlords, merchants and master craftsmen took advantage of this Act and held labourers in virtual bondage under the threat of imprisonment.

Another Act passed in the same year, the Civil Procedure Code, also had the same effect. Section 200 of the Code made provision for the execution of decree by attachment of property, or by imprisonment of the party against whom the decree was made. Landlords and moneylenders further used this provision to hold labourers in bondage. The Act to provide for the breaches of contract was repealed in part in 1874 and in its entirety in 1925. Section 200 of the Civil Procedure Code was amended by the Deccan Agriculturists Relief Act of 1879.[89]

Laws maintaining the system of indentured labour

The system of indentured labour was the consequence of the overall economic policy of the British in their colonies: the extraction of minerals and raw materials, the flow of colonial labour along with British capital and expertise, created the overseas wealth of Britain. Legal enactments of the Government facilitated indentured emigration, and the labour codes of the colonies, which helped to maintain this repressive system, an essential part of overall imperial policies.

Slavery is the social sanctioning of involuntary servitude by one person or group upon another—the prohibition of slavery was often accompanied by an increasing resort to practices and institutions that attempted to circumvent that prohibition. Hence, substitutes like indentured or contract labour emerged (where there is no ownership of persons, but the right to ownership of labour under exploitative conditions exists). The Abolition Act of 1833 provided for the compensation to be paid out of the Treasury to slave-owners, and consequently freed a great number of African slaves. The transitional stage between slavery and emancipation, took the form of apprenticeship up to seven years, which was later reduced by two years. The end of the apprenticeship period in the colonies created a void which necessitated the supply of a cheap labour force; and India emerged as the veritable source of such a supply. The legacy of Negro slavery was a new system of slavery, incorporating many of the repressive features of the old system; and as part of a world demand for raw materials, the Indians crossed the seas to labour in plantations in other parts of the world.

For years, the hill tribes of Chota Nagpur formed the main source of labour for the sugar plantations. Their subsistence on 'slash and burn' type of shifting cultivation could last only so long as the fertility of the charred hillsides did not diminish. The increase in population and the lack of cultivation grounds forced the hill tribes to search for other avenues of livelihood. They moved to the plains where they came into contact with settled agriculture; some stayed to work as labourers on the indigo plantations, while others moved to metropolitan Calcutta in search of casual employment. In the metropolis, the hill coolies were soon lured into ships bound for Mauritius and Demerara.[90]

The 1850s witnessed a decrease in the numbers of tribals taken overseas, for in one voyage to West Indies, the mortality rate was

considerably high, and this apparently dampened the earlier enthusiasm among the hill coolies. There was an increasing demand, moreover, for cheap labour in the tea industry; the number recruited for Assam was much higher than that taken overseas. Between 1870 to 1900, about 7,00,000 to 7,50,000 recruits for the tea industry were sent to Assam, of which nearly 2,50,000 were from Chota Nagpur (33.3 per cent).[91] Besides Assam, demand for labour came up in their own area; the introduction of coal-mining by British companies in Bihar required labour and the contractors recruited men from the nearby hills.

The decrease in the supply of labour from Chota Nagpur and the outlying areas of Calcutta, forced the recruiters to cast their nets more widely; they turned to the Gangetic Plains, which included the area around Banaras, that west of the Bengal Presidency, and Northern Bihar. As parts of the Bengal Presidency, Banaras and Bihar were brought under the Permanent Settlement, this created a class of landlord-revenue collectors. The mass of the peasantry felt the heaviest burden of landlordism; this pauperized section was an easy prey to the emigration network—the servitude of indenture seemed mild compared to the yoke of landlords or moneylenders. A systematic account of the recruits from the plains of northern India is contained in the note of Thomas Caird, Emigration Agent in Calcutta in 1857. He named the main districts of recruitment as Banaras, Azamgarh, Gorakhpur and Jaunpur in the Northwestern Provinces and Ghazipur, Muzaffarpur, Champaran, Shahbad, Patna and Gaya in Bihar, along with Chota Nagpur and Hazaribagh.[92]

In the 1840s, when the demand for labour was high in Mauritius, emigration was built up in Madras, and to a much lesser extent in Bombay.[93] Captain Christopher Bidon, Protector at Madras, produced a paper on the recruiting areas of Madras; the mainstream of recruits came from the overpopulated district of Madras, for the main part landless untouchables from Tanjore, Trichnapoly and South Arcot, and also from the Telugu districts of Vishakapatnam, Ganjam and Rajamundry. The flow of emigration from Madras increased considerably from the 1870s as the demand from Ceylon grew; in the 1880s, Burma attracted recruits.[94]

Malaya became a major importer of Indian labour for their rubber estates at the beginning of the twentieth century. Emigration to Fiji became significant in the same century, even though the scale of operation was limited. After the Boer war, there was a heavy

demand from Natal, a demand met entirely by labour supply from Madras.[95]

Around 1910, the emigration from North India reached its final phase, but emigration from South India continued. According to the 1931 Census, the pattern of emigration was similar to that seen in the previous half century.[96]

Further, the Census Report of 1931 reported that 'Emigration is a great teacher of self-respect. It is probably the existence of the emigration current that has contributed most to the growth of consciousness among the depressed classes'.[97] This view was upheld by many observers, Indian and British, but it entirely denied the reality of the exile into bondage which was the experience of many during the ninety years from 1830 to 1920. Some did indeed live to attain better conditions, but many found that they had exchanged one form of servitude for another, and many more found only death and disease in the new life.

The Government of India Acts and Labour Codes of Colonies Act V of 1837 laid down that an emigrant must appear before an officer designated by the Government of India, along with the emigration agent who was required to produce a written statement of the terms of contract. The length of the service had to be five years, renewable for further five year terms; the emigrant must return at the end of the service, to the port of departure. The vessel taking the emigrant was required to conform to specific standards of space and diet etc; each ship was to carry a medical man to care for the coolies (an omission from the Act was the absence of similar requirements for the ships bringing back men after the expiry of their contracts). The Superintendent of Police, Calcutta, was charged with carrying out the duties under the Act. Act XXXII of 1837 extended the emigration scheme beyond Calcutta to cover Madras and Bombay.

In response to the findings of an inquiry conducted in Calcutta around August, 1838 which gave evidence of malpractices inherent in indentured emigration, Act XIV of 1839 was passed. This Act prohibited overseas emigration, and any person effecting such an emigration was liable to a fine of Rs 200 or three months' imprisonment. The Act applied to areas outside British India, the latter including all dependencies, British Burma and the Strait Settlements. Thus emigration to Mauritius, Demerara Reunion and Ceylon came to an end.[98]

The planting interests in Mauritius and the Carribean worked hard to reverse the ban through their partners in Britain, who opened up a campaign of pressure,[99] which ultimately led to the passing of Act XV of 1842 'for regulating emigration of the native inhabitants of the territories under the East India Company to the Island of Mauritius'. Emigration was permitted from Calcutta, Madras and Bombay, where emigration agents were to be notified; they were to act for the Mauritius Government, though answerable to the Governments of the Presidencies. There were penalties for wrongful acts (such as crimping), and the labourers were to receive return passages after five years or whenever they claimed them thereafter.[100]

W W Bird, member of the Governor-General's Council, wrote a iong minute on emigration (November 8, 1843) to the effect that although the 1842 Act had prevented 'many of the abuses previously existing', emigration had been 'left as formerly to the private speculation of the Mauritius Planters', working through the Calcutta Agency Houses, who employed 'crimps or *duffadars* ' making 'false representations' to their preys. It was therefore essential to transfer the business to a Government Protector and a Government Immigration Agent. Accordingly, Act XXI of 1843 was hastily passed to restrict emigration to Calcutta, and to lay down that nobody could depart except under a certificate from the Agent countersigned by the Protector.[101]

Further, in a despatch dated December 6, 1843, the Directors sent the Governor-General a copy of the letter from the Colonial office (November 29) pointing out the 'advantages' of Indian emigration to the Carribean; for the resumption of West Indian emigration, a loan of £ 75,000 was sanctioned to cover its cost and Governor Light of British Guiana wrote to Stanley, Secretary for the Colonies: 'All eyes are now turned to India'. Instructions were sent to Caird, appointing him Agent for the West Indian colonies; the Indian Government passed Act XXI of 1844 which legalized emigration to Jamaica, Trinidad and Demerara.[102]

Emigration to Mauritius was suspended with effect from October 24, 1856, on account of the shameful neglect of shiploads of Indians abandoned to their fate on Gabriel Island, off the north coast of Mauritius. This led to Act XIX of 1856, which gave the Governor-General the power to suspend emigration where he had cause to believe that the conditions of Indians were

unsatisfactory.[103] Despite suspension of emigration to Mauritius, the number of emigrants in 1857 and 1858 were 12,725 and 29,946 respectively.[104]

In addition to overseas emigration, the demand in the Indian tea industry began to make inroads into the sources of recruitment; there was a boom in the industry in 1859, with the inauguration of new tea gardens, leading to the enlistment of thousands of hill coolies. The journey was almost as long and hazardous as a voyage overseas; the coolies were 'herded in insanitary depots', and there was 'shocking mortality enroute'. A committee of enquiry was set up in 1861 and the legislation Act III of 1863 introduced certain reforms such as a central depot for recruits and five year indenture as the maximum term of service. A later Act VI of 1865 reduced the contract to three years and specified the minimum wages—five rupees a month with rations and housing, and the setting up of Protectors of Labour.[105]

Since emigration had developed by a series of *ad hoc* decisions and bargains between the Indian Government and the colonies via the apparatus of Whitehall, an attempt was made to consolidate laws and regulations within a framework by Henry Maine, member of the Governor-General's Council. Maine was concerned with 'the repression of any abuses which may exist in the recruitment of labourers; and the protection of labourers'. All recruits had to appear before a magistrate in the district of their recruitment and not at the port of embarkation. All recruiters were to be licensed, and were to observe definite rules or pay a fine or face imprisonment. The duties of the Protector were legally defined, and rules laid down for depots. The treatment of Indians on board the ship was carefully prescribed. Finally, the rules on the proportion of females to be included in all shipments was made uniform; twenty-five women to every hundred men. All these provisions were incorporated in Act XIII of 1864.[106]

Thus a number of Acts were passed to regulate emigration, but they remained innocuous enactments which did practically nothing to improve the conditions of indentured emigration, either at the level of recruitment, or during the voyage, or at the plantations. The existing repressive system was maintained by the labour codes and enactments in the different colonies.

Recruitment: As the system became established, the Government of India sought to regulate the traffic by requiring all recruiters

to obtain a license from the Protector at the port of embarkation. The license had to be countersigned by the District Magistrate of the area of recruitment, and it was to be cancelled in cases of malpractice. Recruits had to appear before a magistrate before they could be taken away by a recruiter. But all these precautions were of no value in the face of an organized illegal practice.

The District Magistrate, Ghazipur, wrote to the Government of the North western Province on November 10, 1871:

> The licensed recruiter has in his employ a number of unlicensed men called *arkatias* and while the licensed recruiter sits leisurely in some district, these creatures of his go out into all the neighbouring districts and collect emigrants. the *arkatias* entice the villagers with a wonderful account of the place for which the emigrants are wanted and bring in their victims from long distances to the neighbourhood of the headquarters of the licensed recruiter. The licensed recruiter hearing of the arrival of the party goes out a short distance to meet them when the *arkatia* disappears. On arrival at a sub-depot, the intending emigrants are told the exact facts about their prospects, and on hearing them, decline to proceed. 'Very well', says the licensed recruiter, 'you are all at perfect liberty to return, but I have here a little bill against you for road expenses, and as you have no money I must have your *lotah* (bowl) and *dopattah* (shawl) and anything else that will procure me a refund of the amount I have expended.' The wretched coolie may be a hundred miles from his home, and finding that he has the option of returning penniless ... and of emigrating, choose the latter alternative; but this is not voluntary emigration.[107]

Twenty years later, the same story was narrated by the Deputy Commissioner, Manbhum (from the Report on Inland Emigration, 1892):

> *Arkatties* are commonly residents of the recruiting districts ... They take out no licenses, but otherwise perform most of the functions which the law assigns to licensed recruiters. The profession is well assigned and well organized. They keep themselves informed of the circumstances of their poorer fellow villagers. If a man gets into debt and is pressed by his creditors, if any quarrel or disruption takes place in a family, if any woman

> strays from the path of virtue, they are on the alert to put out the advantage of escaping from present troubles ... It is a common practice for them to visit the weekly *hats* (markets) which are held all over the district and make overtures to any likely looking young man or young woman whom they meet. When the *arkattie* has got one or two more or less willing recruits he carries them off to his house where he keeps them well-fed and if possible makes them drunk. The *arkattie* then presents himself before the local agent ... He brings in his coolie generally in the night and in covered carts lest they be seen by their friends and taken away. Then they are produced before the local agent and accepted by him and despatched at the earliest possible date.[108]

From the beginning the Mauritius emigration relied upon European agency houses in the Indian ports, and renewed incentives were given to these intermediaries under the Mauritius Ordinance 30 of 1858 which permitted planters to recruit workers directly from India. The practice of *sirdari* recruitment (akin to *arkattie*) was explicitly recognized by Mauritian legislation while it was explicitly illegal under Indian laws.[109]

The Indian Regulations accommodated the method of *kangani* recruitment in South India for Malaya and Ceylon. In the initial stage of emigration to Ceylon, a *kangani* was the leader of a village band who went to Ceylon for seasonal work and then returned to the village. With the passing of Act XIII of 1847, emigration to Ceylon was regularized, and an organized system emerged wherein the method of recruitment under a *kangani* and his functions was formalized. He became a link between the management and the work force; and under him operated *silaras* or subordinate *kanganis* in charge of gangs, who were allocated the duty of enlisting recruits. Debt formed the chief means of establishing a hold over the labourer as in the case of the system of *arkatias*. A little feast was given in the village before departure; money advances were made to the relatives; the fare and other expenses during the journey were met—all this constituted a debt which the coolie had to repay from his wages along with the interest. In practice, the coolie seldom ever did repay the debt; this constituted the bond which the *kangani* held over him in lieu of a legal contract. A Government of Madras inquiry concluded:

> Of the large advances, the general opinion is that the greater part went to the professional recruiters or remained in the pockets of a *kangani* and that the fraction paid to the labourer himself was small.[110]

Conditions on Plantations: The *penal laws* were applied with severity, as is evident from Tables 1 and 2.

TABLE 1

CONVICTION UNDER LABOUR LAWS IN THE SUGAR COLONIES 1907-1908[111]

Region	*Year*	*Indentured population*	*Convictions under labour laws*	*Percentage of 4 to 5*
1	2	3	4	5
British Guiana	1907-8	9,784	2,019	20.6
Trinidad	1907-8	11,506	1,868	16.2
Jamaica	1907-8	2,832	237	8.3
Fiji	1907	10,181	2,091	20.5
Mauritius	1907	47,000	1,492	3.1

TABLE 2

OFFENCES AND PUNISHMENTS ACCORDED IN COLONIES[112]

	I	II	III
Trinidad	£2 or one month's imprisonment	£5 or two months imprisonment	£1 or fourteen days imprisonment
British Guiana	£10 or one month's imprisonment	£24 or two months imprisonment	£5 or fourteen days imprisonment
Jamaica	£3 for each day's absence	£2 or two months imprisonment	£1
Fiji	£3 for each day's absence	£5 or three months imprisonment	—
Mauritius	three months imprisonment	three months imprisonment	—

Offence I —absence from work or refusal to work.
Offence II —absence from the plantation for three days without leave.
Offence III—refusing to produce identifying documents to a police constable or Protector.

In Assam, the labour code also included a provision for arrest by a planter of any person suspected of being on the run from an estate.[113]

It was not only the indentured workers who felt the pressure of law as the power behind the master. In Ceylon and Malaya, the Indians who were called 'free' were also subject to a labour code enforced by punishment for offences such as absence and desertion. In 1915, 1,257 were convicted and 1,062 jailed in Malaya; while in Ceylon, 4,400 Indians were charged, 1,500 convicted and 1,000 jailed.[114]

W G Swell accurately observed that the 'planters cling unwittingly to the shreds of the system of coercion in which they were once taught to believe'; in some estates in Jamaica he discovered that the 'labourers are kept two and three months without wages, which in the end, are arbitrarily cut down, and sometimes not paid at all'.[115]

Wages were also subject to a system of stoppages operated according to the rules laid down by the planters and overseers, against which there was no appeal. The British Guinea Commission found that stoppages were everyday occurrences and the main reason for cuts was unfinished jobs—the coolie received only one day's wage for two days' work (the first day, with the unfinished task booked as a blank). The employers also made arbitrary cuts in the food rations, not only for deliberate absence from work but also for absence caused by sickness. A person who was absent four to six days, could lose rations for two weeks.[116]

The most powerful strategy adopted by the planters to mulct the coolies was the 'double cut' in Mauritius, whereby anyone absent for a day, for whatever reason, lost his wages for two days. The 'double cut' a notable feature of the system, was seen as early as 1839;[117] it was given legitimate authority under the Mauritius Ordinance of 1847, and was not abolished until 70 years later (January 1, 1909).[118] This strategy led to the extraction of labour without wages from the coolie. For instance, a man who was engaged at ten shillings a month (twenty-six working days and nights, and through illness), would be fined twelve shillings which left him indebted to the planter; this sum was repaid the following month by labouring without pay.

In 1859, the planters tried to introduce a variation on the 'double cut' so that in addition to monetary penalties, a coolie's

absence from work would be penalized by adding double time to the end of his five year indenture. When this was inserted in a draft Ordinance, the penalty was disallowed by Whitehall.[119] The Natal law of 1891 did include a provision whereby a coolie who was absent for over twenty-five days in a year had double time added to his indenture. The Mauritius Ordinance of 1862 permitted planters to impose the 'double cut' without reference to the Magistrate, as before.[120] Another way of prolonging the indenture period was by fining and taxing the labourers.

Abolition of return passages: Act V of 1842 specified a provision of return passages on the expiry of the five year term, or whenever claimed thereafter. A report of the Immigration Committee of Legislature (March 23, 1851) called for emigration 'without any obligation' for return passages; this Committee proposed in another communication that the ex-indentured people should receive a Patent of Citizenship.[121] These papers forwarded by Governor Higginson to the Secretary of State in a despatch of April, 1851 asking for 'modification of exacting regulations', if the time expired, coolies did not claim return passage at the end of five years, and they would forfeit their claim except for hard cases (the sick, aged or indigent). Higginson was informed (August 3, 1852) that the Government of India agreed to the modified conditions whereby; if a return passage was not claimed within six months of a person's becoming entitled, he would forfeit his claim. This did not satisfy planters in Mauritius who urged for better terms, and a year later, Newcastle, then Secretary of State, told Higginson that the Indian Government had agreed to the 'prospective abolition of return passages',[122] and by then the suggested compensation of 'patent citizenship' was lost in sight.

The West Indian colonies were not slow in claiming advantages, and Newcastle's proposal (sent to the Board of Control on December 21, 1852) was that labourers could return after five years but would qualify for a free return passage only after ten years. Meanwhile in Jamaica, many Indians from the immigrant arrivals of the mid-forties were eligible for return passages; but the colony was virtually bankrupt and was unable to pay charter ships. Some of the Indians were persuaded to commute their right to return for a bounty of £10 or $50. Finally, a loan was arranged from London to cover the cost of shipping, and in1853 arrangements were made for the return

of emigrants. It was then discovered that of 4,556 emigrants who had landed, 1,304 were missing; 1,570 returned to India and 1,463 accepted the bounty. Those recorded as having died numbered 269, but the Agent General for Emigration surmised that of the missing, at least 30 per cent must be dead.[123]

The information cited above does not cover the entire gamut of laws and regulations passed in the colonies to maintain the system. What has been attempted is a brief sketch of the operation of such repugnant practices sanctioned by legal measures which aided to maintain the system of indenture for almost a century. The dichotomous relationship between the Government of India Acts and the Labour Codes of colonies has also been highlighted.

Debt bondage abolition measures

The period between 1920 and 1976 witnessed the enactment of a great deal of legislation pertaining to the abolition of the system of debt bondage. The Acts prior to 1976 had limited jurisdiction, and their applicability was restricted to particular states. The 1976 Act is the only abolitionary measure which extends all over India.

The Bihar Orissa Kamiauti Agreements Act of 1920

> The *kamiauti* bond is generally executed in the first instance when some poor man requires cash for a wedding or a funeral, or for the payment of rent, or even for the purchase of food, when times are bad. A bond is then agreed upon, which is usually reduced to writing but not registered. The borrower undertakes to labour for the lender as he may require until the original loan is repaid in cash. He usually receives a house rent free and about one-sixth of an acre of *bari* land, and possibly a small area of rice land, called *palhath*, in addition. He is to be remunerated for his labour on the days on which he gives a full day's work by two or three *kachcha* seers of whatever foodgrain the master may find it convenient to give: at harvest time he receives one out of every twenty-one (or sixteen) bundles he reaps, which amounts to about fifteen *kachcha* seers in two days. On an average he is likely to work on two out of three days in the year. His own remuneration is supple-

mented by less liberal rewards to his dependents for doing part-time jobs when required. It is clear that at this rate the *kamia* can never hope to save enough to pay off his original debt, even if other difficulties were not thrown in his way. Once a *kamia,* always a *kamia* and the father of *kamias* unless he can somehow manage to escape without paying his debt.[124]

Kamiauti was an old institution which already existed in the later district of Ranchi, when S T Cuthbert wrote his report on Chota Nagpur in 1827.[125] The Bihar and Orissa *Kamiauti* Agreements Act received the assent of the Governor-General on October 24, 1920. One major provision in the Act was to declare that after one year from the commencement of the Act, all the stipulated labour under the existing agreement shall be deemed to have been performed and all the obligations to perform labour shall be deemed to have been discharged; the advance, the principal and interest shall be deemed to have been repaid and the debt with interest thereon been discharged. All agreements made after the commencement of the Act were to contain provisions and be duly stamped, providing for a fair and equitable rate of remuneration for the labourers and were to be void and inadmissible to registration if they did not conform to the prescribed provisions. It also provided that the *kamiauti* agreement was to be declared void on the death of a labourer or other executant and the liability of the labourer was to be extinguished. Suits for restoration or of compensation for any advantage received by the executant (or debtor) were barred in case of agreements declared void under the Act.

The purpose of the Act was not to abolish the *kamiauti* agreements but to regulate them by proposing minor concessions to the advantage of the *kamiautees.* The limitations of the above Act were many. First, it was not applicable to 'skilled workmen' — the definition of which was not attempted; the question which arises is of weavers and other artisans, for the Abridged Report of the Royal Commission on Agriculture, 1939, clearly mentions servitude of 'artisan castes' who work for life for capitalists to whom they are indebted.[126] Second, it was not applicable to work outside the area to which the Act extended which amounted to a blatant denial of indentured emigration. Third, bondage was permissible for one year, and fourth, there was no provision for the executant to go in for appeal in terms of *(a)* Who was the authority in the Act to enforce

the same? *(b)* Who was the appellate authority for the *kamiautee*? *(c)* Who was the authority for sanction in the event of non-observance of the act?

Fifth, there was no sanction (legal or penal) against the executor for non-observance of the provisions of the Act. Sixth, there was no provision for compensation to the executant in the event of non-observance. And finally, seventh, Section 7(2) empowered the executor to file a suit against the executant, if during the period of a valid *kamiauti* agreement, the *kamia* without a just cause withheld the stipulated labour or did not perform it with reasonable assiduity. The suit had validity if filed within three months after the termination of the period, against the executant for the net value of the labour so withheld or not performed.

The Bihar and Orissa *Kamiauti* Agreements Act was nothing but an attempt to strike a balance between the actual rights of the creditor and the legal rights of the debtor, which eventually worked in favour of the former, for reasons related to his status and power in the rural structure. This Act thus remained a mere declaration of intent, an unenforceable ornament of the stature book, evident from the 1939 Abridged Report of the Royal Commission on Agriculture, which states: 'It would, however, appear that the *kamia* is too poor to set the law in motion and that the Act has proved ineffective.'[127]

The Madras Agency Debt Bondage Abolition Regulation (No. III of 1940) and The Orissa Debt Bondage Abolition Regulation (I of 1948) are identical in their provisions, the only difference being that the former was applicable to the 'Scheduled Areas' in East and West Godavari, and Vishakapatnam districts, and the latter was applicable to the Ganjam Agency Tracts, the district of Koraput, Nawapara sub-division of Sambalpur district.

The Regulations were enacted to abolish the system of debt bondage and to make provision regarding agreements for the performance of certain kinds of labour'. A *gothi* agreement (the bonded labourer is called a *gothi* in Orissa) was defined as

> an agreement written or oral, or partly written and partly oral, wherein the consideration of performance of labour by any person is a debt due by that person and the interest, if any, on such debt and includes any transaction which is substantially such an agreement.

It was specifically laid down that a *gothi* agreement entered into after commencement of the Regulation was to be wholly void if *(a)* the full terms of the agreement were not expressed in writing and a copy thereof was not filed with the prescribed authority; *(b)* the advance with its interest was not a fair and equitable remuneration for the labourer was not paid for the period of work; *(c)* the expressed and implied period of labour exceeded one year; *(d)* the interest provided for was not simple interest over one year and *(e)* the interest exceeded 6.25 per cent per annum. The term 'fair and equitable remuneration' implied the amount fixed by the government from time to time, and where it had not been fixed, not less than Rs 14 a month in case the labourer was not given food, and five rupees where he was given food. It also specified that all liability to perform labour under a valid agreement was to be extinguished on the expiry of the period specified in the agreement, which was not to exceed one year. The labourer was given the right to pay the balance due out of the advance with interest thereon and to free himself of any obligation to perform labour under the agreement. The agreement to perform labour was to lapse on the death of the labourer, and no liability was to survive against the estate and heirs of that labourer.

One of the important provisions of the Regulation prescribed a fine and punishment to a person obtaining labour from a person in pursuance of an agreement declared void by it. Under the Regulation the creditor or an employer was penalized for faiiure to file a copy of the agreement with the prescribed authority or for non-payment of the remunerations agreed to, or for not providing food to the labourer as agreed upon. Certain provisions were made for the termination of the Regulation—the civil courts were not to have jurisdiction in any matter arising under the Regulations.

These Regulations were definitely an improvement over the Bihar and Orissa *Kamiauti* Agreements Act of 1920, (although they did include a number of lacunaes of the latter), in terms of appropriate authority and appeals. In spite of the title, 'Regulation to abolish the system of debt bondage', however, the provisions inherent were primarily to regulate *gothi* agreements and were certainly not in the direction of abolishing the system. Besides this major limitation, there were several other drawbacks. *(a)* It was not obligatory for the employer to file a statement with the authority

prescribed at the beginning of the operation of the Act, stating the number of labourers on an employer's estate, and the condition of each labourer. *(b)* While the employer could apply to the authority when the labourer did not fulfil the terms of the labour agreement, the same was not applicable in case of the labourer. *(c)* Within the Regulations there was no provision for setting up of 'Courts' in every village, sequentially to identify the incidence of debt bondage, register agreements (on commencement of Regulations) and liberate all those held in debt bondage. *(d)* These Regulations further made it incumbent on the illiterate labourer to approach the authorities for relief. *(e)* The payment of compensation excused the 'offence' — the offender was not liable for trial or penalty. The efficacy of these Regulations in terms of their implementation may be surmised from the Reports of the Commissioner for Scheduled Castes and Scheduled Tribes.

With regard to the 1940 Madras Agency Debt Bondage Regulation, its implementation is clear from the following reports. The Fifteenth Report (1965-66) states that

> The Government of Andhra Pradesh has held that the practice of bonded labour which was found to be prevalent in the scheduled areas of Srikakulam, Vishakapatnam, West Godavari and East Godavari, has died out. It was indicated in some previous Reports that this claim of the State Government did not appear to be correct and that the practice was surviving. A limited survey conducted by this Organisation during the year under this Report supports this conclusion. The Madras Debt Bondage Abolition Regulation, 1940, has been in force ..., but no cases are reported under the Regulation ... The Collectors who are in charge of the working of this Regulation have reported in their Annual Reports of the areas that the Regulation has not been contravened. However, it is clear from the survey ... that even though labour agreements in the nature of bonded labour are entered into, no written agreements are executed or registered with the concerned authorities. As regards the fixation of fair and equitable remuneration under Regulation (4), it is understood that the remuneration was last fixed in August 1959... Thus it is apparent that the Regulations are not properly enforced...

The Twenty-first Report (1971-73) states:

> The Board of Revenue which is looking after the working of this Regulation in the scheduled areas had earlier held that the rate of remuneration had been reviewed every year, but on subsequent enquiry the Board had informed that they were not aware whether Orders issued in 1959, were still in force. According to the latest communication received from the State Government the practice of bonded labour is extinct. This view of the State Government is obviously based on the replies received from the District Collectors. It is suggested that a detailed study on the subject must be carried out by the State Tribal Research Institute as it is diffcult to believe that this practice has completely disappeared.

These three Reports present a clear picture of implementation of Regulation after thirty years of its enactment.

The situation pertaining to the Orissa Debt Bondage Abolition Regulation of 1948 is not very different, as evident from the following Reports of the Commissioner for Scheduled Castes and Scheduled Tribes. The Tenth Report (1960-61) states:

> The Rules under the Regulation have not been framed. Fair and equitable remuneration under the Regulation has also not been notified. The State Governments have not also set up appropriate machinery for the enforcement of the Regulation.

The Twelfth Report (1962-63) states:

> Even though this law came into force in 1948, very few cases under it have been brought to Courts ... The Orissa Regulation provides for arbitration and settlement of the *gothi* contracts entered before its enforcement, and also allow labour agreements, which satisfy certain specific provisions, after its enforcement. These provisions are loopholes, through which the *gothi* system continues, especially since rules amplifying the Regulation and laying down detailed procedures for implementing it, have not been framed so far. These loopholes provide scope to the money lenders for prolonging their *gothi* or labour contracts, through corrupt practices, such as falsifi-

cation of accounts, reducing the rate of annual discharge of debts by increasing charges for food given to the *gothi.*

The Thirteenth Report (1963-64) further states:

> During the year under Report, the rules known as Orissa Debt Bondage Rules, 1963, were framed. Under these rules, all labour agreements entered into under the Regulation shall be filed in the office of the Sub-Divisional Officer ... and shall be entered in a register ... The rules also provide that fair and equitable remuneration for the labourer will be fixed as provided under Section 4(iv) of the Regulation, but no such notification has been issued so far.

These Reports vividly describe the fate of the Regulation and require no further comment.

The Rajasthan Sagri System Abolition Act of 1961 (40 of 1961) was passed 'to provide for the abolition of the *Sagri* System in the State of Rajasthan'. Unlike the Madras and Orissa Regulations, it was not restricted in its application to the tribal areas, but was applicable to the whole of Rajasthan; and its provisions were also more specific and stringent. With this Act, the *sagri* system stood abolished and no creditor was to advance loans under this system; and in case any such loan was advanced, it was not to be recovered by any suit or court, and the debtor was not bound to render labour or personal services stipulated for. The Act prescribed a fine of Rs 500 or imprisonment up to a year, or both, to a person advancing a loan under the *sagri* system after the commencement of the Act, or compelling a debtor to render labour or personal service in fulfilment of the contract. It laid down that, in relation to every *transaction,* made after the commencement of the Act, whereby a creditor advanced a loan to a debtor and also engaged him or any member of his family to render labour or personal service for the creditor or for any person on his behalf, it would be presumed that the loan was advanced under the *sagri* system unless it was satisfactorily proved that such engagement of labour or personal service was altogether independent of the advance. A provision was also made to settle the loans advanced under the *sagri* system before the commencement of the Act. in accordance with the provisions of the Rajasthan Relief of Agricultural Indebtedness Act of 1957.

The Rajasthan Act was certainly an improvement on the Madras and Orissa Regulations, because it specifically stated its intent by not including provisions for labour agreements based on certain conditions—the Act provided for abolition of *sagri* system *in toto.* Some of the positive aspects of the Act were *(a)* It attempted to introduce the concept of 'nominal wages'. *(b)* It provided for penalty *even* in the event of anyone advancing a loan after date of commencement of the Act. *(c)* It provided for trial before a First Class Magistrate, shifting the responsibility of enforcement to the judiciary in the event of non-observance of the Act. *(d)* Section 5 provided for *presumption in* favour of the debtor, shifted the burden of proof on the creditor, where the creditor had to prove his bonafides in the event of proving that the labour contract entered into was independent of the advance. *(e)* Section 6 provided for relief of unpaid debts and stated that no labour would be performed to clear off unpaid debts.

There are several limitations of the Rajasthan Act: *(a)* There is no provision for all employing labour to file returns regarding the status of labour in their pay. *(b)* There are no provisions for authority and vigilance to enforce the Act. *(c)* The burden of seeking relief is on the *sagri* or 'bonded labourer'. *(d)* There is no provision for administration to survey the *actual incidence* of the *sagri* system.

In order to determine the implementation of the Act, the Reports of the Commissioner for Scheduled Castes and Scheduled Tribes, remains one of the major sources. The Twelfth Report (1962-63) states:

> The State Government has passed the Rajasthan *Sagri* System Abolition Act, 1961 ... It however, appears that the law has only a symbolic value, as no prosecutions under it took place during the year and no special steps have been taken to enforce it strictly. It is reported that now there is a tendency among the *sahukars*, to pay their *sagris* on a monthly basis or in the form of a share in the crops, but even this hardly brings about an element of competitive and free contract in their relationship, which continues to be only a disguised slavery.

The Twentieth Report (1970-71) mentions a survey conducted by the Tribal Research Institute, Udaipur, to study the *sagri* system in Rajasthan with reference to legislation passed in 1961.

The Report revealed that out of the total informants, 40 per cent became *sagris* before 1961 and 60 per cent of them became *sagris* after the enactment of Legislation of 1961. Only 14 per cent of the *sagris* interviewed knew about the legislation but none of them went to Court to get rid of their bond.

To make the *Sagri* Abolition Act of 1961 more effective, the Rajasthan *Sagri* System Abolition (Amendment) Ordinance, 1975, was promulgated, which makes the offence of keeping bonded labour cognizable, non-bailable, and summarily triable. However, with the advent of the Presidential Ordinance, 1975, the law has been struck off the Statute Book.[128] Thus the *Sagri* System Abolition Act of 1961 died a natural death without fulfilling the measures it intended.

The Bonded Labour System Abolition Act, 1975 (Kerala Act 29 of 1975) was enacted 'to provide for the abolition of (the) bonded labour system prevalent in the districts of Kozhikode, Mallapuram and Cannanore in the State of Kerala'. It was limited in its scope not only in relation to its area of application, but also in relation to the group of debtors, it applied only to debtors belonging to scheduled tribes. The Act laid down that the bonded labour system was abolished and no person was to pay in cash or kind under the system. If any such payment was made, it was not recoverable through a suit or court proceeding, nor was the debtor bound to render any labour or personal service in lieu of such payment. All obligation to labour or personal service made under agreements before the commencement of the Act were deemed to have been extinguished. There was a total shift of responsibility relating to matters under the Act to the executive—that is, the collector and revenue officers. Penalties were prescribed for contravention of the Act—for advancing loans under the system, or compelling the debtor to render labour in lieu of loans.

The drawbacks are related to the lack of enforcement authority, the lack of provision to assess the incidence of bondage in the area and to register cases, and the burden on the debtor to seek relief. A positive aspect of the Act is that it introduces 'cognizable offence' contained in the Code of Criminal Procedure, 1973. Section 13 also introduces the concept of 'abet', thereby striking at the secondary systems of credit and surety. The provision in Sec-

tion 10 can be construed in favour of the creditor, rather than wipe out debt altogether for creditors can get their money from the Government.

Although there is mention of the bonded labour system in Kerala in the earlier reports of the Commissioner for Scheduled Castes and Scheduled Tribes, there is no mention about the passing of the Act and its implementation in these reports. This is startling because this Act was only applicable to Scheduled Tribe debtors. This was the last Act pertaining to a particular state, for the 1976 Act for abolition of bonded labour was the first and only Act which attempted to abolish the system all over the country.

The Bonded Labour System Abolition Act, 1976: The fourth point in the Twenty Point Programme declared in 1975 read, 'bonded labour, wherever it exists, will be declared illegal' — the very wording of the point denotes that the stress was upon the abolition of bonded labour through law. To implement this point, the Bonded Labour System (Abolition) Act, 19 of 1976 was passed.

The Act lays down that on its commencement the bonded labour system shall stand abolished and every bonded labourer shall stand freed and discharged from any obligation to render labour in lieu of loans. It has further laid down that after the commencement of the Act, no person should make any advance under the bonded labour system or compel any person to render bonded or any other form of forced labour. All the customs and contracts requiring any person to render bonded labour were declared void and inoperative. The liability to pay bonded debt was extinguished. The property of a bonded labourer held under mortgage before the commencement of the Act was to be freed. It also specified that a freed bonded labourer could not be evicted from any homestead or residential premises he occupied before the commencement of the Act. One of the important provisions of the Act was that the creditor was prohibited from accepting any payment against bonded debt and a creditor on accepting such debt was liable to imprisonment and a fine.

This Act was an improvement over all the earlier enactments, for it made provision for implementing a scheme for the abolition of bonded labour. The State Governments were empowered to confer powers on the District Magistrates or other officers to perform duties specified under the Act. These officers were also required to look after the interests of the freed bonded labourers. The Act fur-

ther provided for the constitution of vigilance committees at the district or sub-divisional level to look after identification, release and rehabilitation of bonded labourers under their jurisdiction. An important provision of the Act was that in case of a dispute over the nature of bonded debt, the burden of proof was on the creditor. The Act made provisions for the procedure of trial and also prescribed strict penalties (fine up to Rs 2,000 and three years' imprisonment) for persons contravening its provisions. All offences listed under the Act were to be cognizable and bailable. As in earlier legislations, the jurisdiction of civil courts was barred in matters to which the provisions of the Act applied.

Although the Act is fairly specific in its provisions, it does suffer from a major limitation—in the definition the hours of work are not alluded to (as also in all the previous legislations). One major aspect of bondage is the extremely long hours of work, varying between twelve to eighteen hours. There are several possibilities where nominal wages may be paid at the minimum wage rates; and the creditor may extract his pound of flesh through extended hours of work.

The crux of the problem lies in the fact that a Central Authority can formulate a law but cannot ensure its implementation all over the country. Such implementation is left to the will of the State Governments and thousands of officials at the village, *tehsil* and district level. As the Twenty-fourth Report of the Commissioner for Scheduled Castes and Scheduled Tribes states:

> out of 31 States/Union Territories in the country, 20 States and Union Territories of Assam, Haryana, Jammu and Kashmir, Maharashtra, Manipur, Meghalaya, Nagaland, Sikkim, Tripura, West Bengal, Andaman and Nicobar Islands, Arunachal Pradesh, Chandigarh, Dadra and Nagar Haveli, Goa, Daman and Diu, Lakshdweep and Pondicherry have denied the existence of bonded labour in their jurisdictions. However, in some of the above mentioned states, preliminary surveys and enquiries have indicated that the bonded labour system is still prevalent. In one State, the State Government holds the view that since each of the landless labourers has been allotted one acre of waste land, the question of the existence of the bonded labourer does not arise. In some States, a view has been taken that if payment of wages to landless labourers

for agricultural operations is not in accordance with the prescribed minimum wages, it would not attract the provisions of the Bonded Labour System (Abolition) Act, 1976. The bonded labour system is essentially an outcome of the imbalance between the demand and supply of labour in the rural market and also the scarcity of institutional credit. Different covert forms of debt bondage exist under the guise of ostensibly legal systems.

An example of the Maharashtra Government can be cited here. After the declaration of the Twenty Point Programme, the Government of Maharashtra denied the existence of the bonded labour system. In spite of the fact that the Reports of the Commissioner for Scheduled Castes and Tribes had pointed to the prevalence of bonded labour in Maharashtra, the then Finance Minister in his budget speech before the Legislative Assembly, stated that

> The bonded labour system is not prevalent in Maharashtra. However, to make sure that such labour in any form does not exist in the State, enquiries are being made through the Tribal Commissioner and the Director of Social Welfare.[129]

The State Government, while considering the recommendations of the Shivaraman Committee on consumption credit, decided to appoint a committee to examine the problem of illicit moneylending. This Committee was asked

> to investigate whether the system of bonded labour still exists in the State and, if so, in what form, and to examine the circumstances leading to the system of bonded labour and to suggest ways and means to eradicate this system.[130]

This Committee submitted its report on October, 1977, and pointed out

> that the Government of Maharashtra had denied that the bonded labour system existed in Maharashtra in any form. As such the State Government did not make any efforts to conduct any survey to ascertain the actual position in this regard...[131]

The Report is divided into five chapters; the first gives general information on the composition and working of the Committee; the second describes the background of the bonded labour system and the legal measures taken to eradicate it; the next highlights the practices of bonded labour in Maharashtra; and the last two deal with the practice of illicit moneylending and conclusions and recommendations.[132]

The Report of the Sub-Committee on Bonded Labour constituted by the Ministry of Labour, Government of India, of November 14, 1979, states:

> The Bonded Labour System has been abolished and all bonded labourers in this country now stand released under the law. But, in practice, the system is still prevailing in some form or other in many parts of India ... The extreme poverty, complete assetlessness and helplessness of a vast number of people—the toiling masses—and their—dependence on [the] usurious private moneylending system that upholds the custom and tradition of division of work on [a] caste basis has blunted the social conscience and allowed this system to be perpetuated with impunity.[133]

The Sub-Committee made the following observations regarding identification and rehabilitation: *(a)* the document of agreement where it exists is invariably with the creditor and the bonded labour cannot produce it; *(b)* generally there is no written agreement as the law itself contemplates under Section 2(b) (explanation) of the Act; *(c)* the bonded labourer fears to disclose the conditions of compulsions under which he has to work, due to extreme poverty and helplessness, or because of intimidation by his master, and some sort of tradition to make him feel that this is his lot; *(d)* the difficulties were aggravated by the vested interests of those who are keen on perpetuating the bonded labour system in some form or the other; and *(e)* there was a lack of proper machinery to carry on the identification work and absence of adequate arrangements for ensuring prompt and effective rehabilitation measures.[134] 'Even in minimum elementary things to be done some State Governments have lagged behind in carrying out the functions under the Act',[135] as in the case of setting up of vigilance committees.

Also, every District Vigilance Committee is required to maintain the following registers: *(a)* a register containing the names and

addresses of freed bonded labour; *(b)* a register containing statistics relating to vocation, occupation and income of every bonded labour; *(c)* a register containing details of the benefits which the free bonded labourers are receiving, including benefits in the form of land, inputs for agriculture, training in handicrafts and allied occupations, loans at differential rates of interest and employment in urban and non-urban areas and *(d)* a register containing the details of cases under sub-section (6) of Section 6, sub-section (2) of Section 8, sub-section (2) of Section 9, Sections 16, 17, 18, 19 and 20.[136]

The Sub-Committee, with regard to the provision for the maintenance of registers, states

> We found very little evidence during the visits of (the) Sub-Committee about the maintenance of such registers ... In the absence of prescribed registers, it was not possible to view whether the identification of freed bonded labour was a continuing process or not or whether it had stopped midway.[137]

Regarding rehabilitation, the Sub-Committee's observation was that its progress had been abysmally slow.[138]

In the latest Report of the Commissioner for Scheduled Castes and Scheduled Tribes, mention has been made of the Report of the Sub-Committee, with all its recommendations; and that the report of this Sub-Committee is under the consideration of the Government of India[139] (almost three years after its submission). The Commissioner for Scheduled Castes and Scheduled Tribes also mentions the recommendations of a Commission:

> *(a)* The Gandhi Peace Foundation in collaboration with the National Labour Institute have estimated in their survey conducted in 1978 that nearly 22.4 lakhs persons were working as bonded labourers. From the position as reported by various State Governments as on 30.11.1980 it is noticed that their number was around 1.20 lakhs. As a majority of bonded labourers are Scheduled Castes or Scheduled Tribes, it is recommended that [the] Labour Ministry should set up a High Power Working Group to go into this matter in depth and reconcile the difference in figures of bonded labourers as declared by the States and as brought out by the Gandhi Peace Foundation in their survey. The Working Group should make

this review State/Union Territory wise so that the correct position about the existence of bonded labour in each State/Union Territory is brought out. Thereafter appropriate steps should be taken by each State/Union Territory to free the identified bonded labourers concerned and to fully rehabilitate them at Government cost.

(b) After the enactment of the Bonded Labour System (Abolition) Act in February, 1976, the number of bonded labourers identified in [the] next four months, i.e. by June, 1976, was 75,337, and thereafter over a period of four years (June,1976 and November, 1980) 45,224 more could be identified. It shows that while there was a spurt in the identification of bonded labour during [the] first two years progress declined subsequently. It is, therefore, recommended that the attention of the District Magistrates should be drawn on Section 12 of the Bonded Labour System (Abolition) Act, 1976, wherein their duties have been specified to ascertain whether any bonded labour system is being enforced within the local limits of their jurisdiction.

(c) Along with the programme of releasing the bonded labour a simultaneous crash programme of their rehabilitation preferably on land should be implemented. Rehabilitation programmes for bonded labourers should be carried out as centrally sponsored programmes on a 100 per cent basis.

(d) Even in the minimum elementary things to be done, some State Governments (e.g. Tamil Nadu, Andhra Pradesh) have not set up Vigilance Committees as required under the Act, which should now be done. The representatives of released bonded labourers may also be nominated in such Committees.

(e) As a vast number of agricultural labourers are the potential recruits to the bonded labour system by incurring debt bondage, it is recommended that Debt Relief Acts should be strictly enforced and flow of credit channelized through financial institutions for both productive and consumption purposes.

(f) Schemes like [the] conferment of ownership rights in house sites, allotment of house sites, housing facilities, employment on regular basis, formation of industrial cooperative societies, cooperative farming may be popularized among the released bonded labourers.

(g) The Minimum Wages Act for agricultural labourers should

be implemented both in letter and spirit.

(h) One senior functionary under each District Magistrate should be made responsible exclusively for bonded labour and [the] rural poor.

(i) Section 22 of the Bonded Labour System (Abolition) Act, 1976 provides that every offence under this Act, shall be cognizable. It is, therefore, recommended that [the] Ministry of Labour should collect information on [the] number of cases registered, number of masters against whom challans were put up; number of cases ended in acquittal/punishment etc.

(j) A report on the working of the Bonded Labour System (Abolition) Act, 1976 should be placed annually on the tables of both Houses of Parliament. It should also be discussed in the Parliament. Similar procedure should be followed in the State Legislatures also.[140]

At this juncture, it cannot be established with certainty whether or not the Bonded Labour (Abolition) Act of 1976 has been effectively implemented. But what can certainly be surmised is that the implementation, on the whole, has been apathetic. It is indeed a matter of grave concern that almost six years after the enactment of the Act, commissions and committees are still engaged in suggesting recommendations for its effectual implementation—which makes one wonder whether the liberation of countless bonded labourers in India will be realized, or whether this Act will remain a mere legislative fiat and a matter to be endlessly debated in innumerable committees and commissions.

Over a period of two centuries, there has been a wide gamut of legislation to regularize the system of slavery and bondage, to partially abolish it and to effect a complete abolition of the system. Two main phases of British imperialism can be demarcated during the period under study, which are reflected in general legislation regulating colonial policy, and that relating to slavery and bondage, in particular. The first phase is the period of merchant-capital, dating from the entry of the East India Company in Bengal, and reaching its zenith in the latter half of the eighteenth century once the Company had assumed political control of Bengal and Bihar. During this period, the East India Company was primarily interested in securing maximum profit by establishing a monopoly trade in the finished manufactures and raw materials of India. They merely made use of

the existing laws regulating slavery and refrained from 'interfering with the customs and usages of the "natives"'. At this time, methods of power were increasingly brought to bear within the sphere of trade, so that the difference between trade and outright plunder became negligible.

The second phase is that of industrial capital, which established a different basis of exploitation in India and a changed interest in the use of India as a subject nation. With the Industrial Revolution in England, partly fuelled by mercantile accumulation from India, the industrial capitalists redefined their policy for India. Rather than purchasing finished textiles from India for sale in Europe, the Lancashire industrial interests wanted to transform India into an agricultural colony of British capitalism, supplying raw materials and buying manufacture, particularly textile goods. This necessarily entailed a period of political struggle within England itself, such that the Lancashire capitalists subjugated the mercantile interests and transformed them into mere trading agents within the colonies. This resulted in a change in the nature of political dominion, which involved the gradual abolition of the Company as political machinery in India, since the latter was the most powerful wing of mercantile interests in England. The replacement of the Company by direct administration of the British Government was partly realized with the Charter of 1833 and was finally completed in 1858.

Until the end of the nineteenth century, the policies and legislation of the British colonial government were clearly subordinated to the interests of developing England as the predominant capitalist power in the world. Free trade capitalism was proclaimed once the industrial revolution had given Lancashire industrialists a competitive edge, although tariffs detrimental to India's declining textile industry were still retained. The range of exports from India shifted radically, to raw materials, food crops, and cheap labour power—realized through the system of indentured labour—for use in plantations in India and other colonies. While the seed of the indentured labour system was planted as early as 1833, when the West Indian planters were allowed to establish themselves in India, the system really emerged when outright slavery, from Africa to the Carribean and Latin America, had been abolished in 1833.

> Experienced planters were brought from the West Indies ... The area attracted a rather rough set of planters, some of

whom had been slave-drivers in America and carried unfortunate ideas and practices with them.[141]

This was probably the reason why the Law Commissioners refrained from legislating against contract and bonded labour while framing the Anti-Slavery Act of 1843. It was not that they were not aware of these forms of labour (as is evident in the recommendations of the 1841 Anti-Slavery Report). Indeed, these forms of unfree labour became the major substitute for slavery in the ensuing decades. It is interesting to note that the Court of Directors in England pressurized their counterparts in India to enact the Anti-Slavery Law of 1843. In the same year, in a despatch dated December 6, the Directors sent the Governor-General a copy of a letter from the Colonial office pointing out the 'advantages' of Indian emigration to the Carribean and a loan of £ 75,000 was sanctioned to cover its cost.

During the 1830s, various legislation to regularize and regulate indentured labour emigration were enacted in India. At the same time, the British government discarded its earlier policy of non-interference in the customs and usages of the 'natives', and passed a law abolishing slavery, in order to remove the restrictions placed by outright slavery on geographical mobility. The indentured labour system which emerged overcame these legal restrictions while simultaneously fulfilling the plantation owner's requirement for a cheap and tied labour force. While the form of bondage changed from being defined in terms of legal restrictions and extra-economic coercion, the content of bondage remained in the system of indentured labour due to the economic indebtedness of the labourers and the legal restrictions arising from this economic bondage. To appease the landlords, merchants and traders in India, the government enacted the Workman's Breach of Contract Act of 1859, which vested the landlords, merchants and master-craftsmen with the power to extract labour on unfavourable terms from labourers and artisans. The system of debt bondage was not a new phenomenon (as is evident from the ancient Hindu Law of Slavery and the recommendations of the 1841 Anti-Slavery Report). The definition of the term 'slave' as ascertained from Narada's classification included both elements of slavery and bondage and made no distinction between the two. In the British period, the distinction between slavery and bondage was made; the Workman's Breach of Contract Act legally

sanctioned the system of debt bondage, where in lieu of an advance, a worker had to perform labour and in the event of withholding performance of labour, he was liable to imprisonment.

The subsequent enactments—the Bihar and Orissa *Kamiautee* Agreements Act of 1920, and the Madras and Orissa Debt Bondage Abolition Regulations of 1940 and 1948, were passed to regularize such labour agreements (for a period of one year by registering them, and extendable in the event of non-performance of labour stipulated in the agreement), and were not directed towards their abolition. The Rajasthan *Sagri* System Abolition Act of 1961, focused on the abolition of the *sagri* system, but it proved ineffectual on the whole. These Acts were framed so as to provide the keepers of bonded labourers with adequate loopholes to evade their provisions. The Commissioner of Scheduled Castes and Scheduled Tribes stated in his Twenty-sixth Report (1978-79):

> If we study the different observations and recommendations as well as detailed surveys conducted by this organization during the previous years regarding the prevalence of the bonded labour system in different parts of the country, we would find that the office of the Commissioner for Scheduled Castes and Scheduled Tribes during the last two and a half decades has been referring (to) the prevalence of the bonded labour system in different States and Union Territories of the country, but the Bonded Labour System Abolition Ordinance, 1975, came into being only on 25th October, 1975, which was replaced by an Act of Parliament and came into force on 19th February, 1976. *It may be seen that the problem was identified in the year 1951 itself but it took the Central Government about 25 years to pass a Central Legislation.* It was only after the abolition of bonded labour by Central Legislation in 1976 that this problem was tackled in a few States to some extent as a result of which bonded labourers in thousands were liberated and some of them rehabilitated. *It has been stated in the Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the years 1975-1977, that if the recommendations of the Commissioner had been accepted earlier and prompt action taken thereon, thousands of bonded labourers who died as slaves even after independence could have had*

the satisfaction at least of dying as free men in a free country. (Italics mine.)

The spurt in identification in the four months ensuing the passing of the 1976 Act (75,337 bonded labourers were identified), was followed by a lull thereafter for a period of seven years (from June, 1976 to June, 1983 only 81,663 bonded labourers were identified). The total figure identified up to June 30, 1982, was 1,57,000.

The apathetic attitude of the State Governments (in 1976, out of thirty-one States/Union Territories, twenty denied the existence of bonded labour in their jurisdiction), has hampered the implementation of the 1976 Act. The Twenty-fourth Report of the Commissioner has highlighted the fact that even though some of the states have denied the prevalence of bonded labour in their areas, 'preliminary surveys and enquiries have indicated that the bonded labour system is still prevalent'.

In order to ascertain the relevance of the Bonded Labour System Abolition Act, 1976, the decline in the process of identification and the indifferent attitude of the State Governments are important variables; but what is crucial is the body of factors pertaining to agricultural labour households. *(a)* There has been a steady increase in the number of agricultural labour, from 15.3 millions to 20.7 millions (36 per cent) between 1964-65 to 1974-75. In the same period, the increase with regard to Scheduled Castes and Scheduled Tribes labouring households has been 30 per cent and 37 per cent respectively. *(b)* There has been a decrease of twenty-seven days (11.15 per cent) in total wage-employment days in a year from 1964-65 to 1974-75. *(c)* There has been an increase in incidence and extent of indebtedness between 1964-65 to 1974-75. *(d)* Shopkeepers, moneylenders, employers remain the major source for credit: institutional credit (banks and cooperative societies) is virtually non-existent. *(e)* Household consumption, marriage and other ceremonial expenses remain the main reasons for debt; debt for productive purposes are marginal. *(f)* Minimum wages remain on paper in most of the states. *(g)* The latest figure of Indians below the poverty line is 316 millions (more than 48 per cent).

These factors again raise the question: does the 1976 Bonded Labour System Abolition Act attempt to abolish debt bondage without tackling the fundamental conditions that perpetuate the bondage system?

Notes and References

Kautilya's nine-fold classification includes: *(a)* slaves captured in battle; *(b)* slaves who accept slavery for food; *(c)* slaves born in the house; *(d)* slaves who are bought; *(e)* those received; *(f)* slaves who are inherited as part of patrimony; *(g)* those who are enslaved for not paying a fine or in execution of a judicial decree; *(h)* those who are mortgaged; and *(i)* those who sell themselves as slaves. Kautilya, *Arthashastra*, Part III, translated by R.P. Kangle, Bombay, 1960, p. 13.

2. W.H. Macnaghten, *Principles and Precedents of Hindu Law*, Vol. II, Calcutta, 1828, pp. 265-272.
3. 'Vyavahara Mayukha', *Yajnavalkhya Smriti*, translated by V.N. Mandlik, Bombay, 1880, pp. 125-127.
4. *Ibid.*, pp. 125-127.
5. Appendix VIII to Indian Law Commission Report of 1841, p. 369, para 17, in H.T. Colebrooke, *A Digest of Hindu Law*, 1801.
6. *Yajnavalkhya Smriti*, Vol. II, Part IV, translated by V.J. Gharpure, 2nd edn., Bombay, 1939, pp. 1209-1220.
7. From Sir William Jones' translation of Manu, C.X.V. 70, quoted in D.R. Banaji, *Slavery in British India*, p. 214.
8. *Ibid.*, p. 167.
9. Sir Arthur Steele, 'Law and Customs of Hindu Castes', quoted in D.R. Banaji, *Slavery in India*, pp. 214-215.
10. D.R. Banaji, *Slavery in British India*, Bombay 1933, p. 215.
11. V.J. Gharpure, *Op. cit.*
12. *Ibid.*
13. H.T. Colebrooke, *Op. cit.*
14. V.J. Gharpure, *Op. cit.*
15. *Ibid*
16. *Ibid.* He (the slave) is released by repayment of the amount together with interest after which he was pledged by the master, or that after paying off which, he was emancipated by the master from the liability of the creditor.

17-20. *Ibid.*

21-23. W.H. Macnaghten, *Op. cit.*, pp. 264-272.

24. H.T. Colebrooke, *Op. cit.*, p. 742.
25. D.R. Banaji, *Op. cit., p. 226.*
26. *Ibid.* A Regulation for the Guidance of the Court of Judicature in Cases of Slavery submitted by J.H. Harrington, dated November 21, 1818, No. 14 of December 29, 1826, Bengal Records Department.
27. Neil Bailie, B.E., *A Digest of Mohammedan Law*, Lahore, 1957, p. 365.
28. *Ibid.*, p. 371.
29. *Ibid.*, pp. 372-376.
30. C. Hamilton's translation of Hedaya, Vol. I, quoted in D.R. Banaji, *Slavery in British India*, p. 2275.
31. W.H. Macnaghten *Principles and Precedents of Muslim Law*, Calcutta, 1881.
32. C. Hamilton, *Op. cit.*, p. 479.
33. *Ibid.*, p. 504.
34. Neil Bailie, B.E., *Op. cit.*, p. 367.

35. Sutherland, *Muslim Slavery*, Appendix VIII to Indian Law Commission Report of 1841, para 24, p. 382.
36. *Ibid.*, para 29, pp. 382-383.
37. *Ibid.*, para 29, p. 383.
38. D.R. Banaji, *Op. cit.*, p. 232.
39. Neil Bailie, B.E., *Op. cit.*, p. 367.
40. W.H. Macnaghten, *Op. cit.*, p. 67.
41. C. Hamilton, *Op. cit.*, pp. 264-265.
42. D.R. Banaji, *Op. cit.*, p. 238.
43. Sutherland, *Op. cit.*, p. 381.
44. *Ibid.*, p. 380.
45. *Ibid.*, p. 384.
46. W.H. Macnaghten, *Op. cit.*, pp. 324-325.
47. For anti-slavery legislation passed in Bengal, Bombay, Madras and Assam prior to 1843, see D.R. Banaji, *Slavery in British India*, Bombay, 1933, pp. 241-284.
48. Evidence before the Select Committee of the Lords, *British Parliamentary Papers*, Appendix K, 1832, pp. 549-580.
49. *Fortnightly Review*, 1883, (cf. D.R. Banaji, *Slavery in British India*).
50-51. *Ibid.*
52. Communication from the Governor-General of India in Council to Hon'ble Court of Directors dated August 31, 1835, Home Legislature, para 29, Imperial Records Department.
53. *Fortnightly Review, Op. cit.*
54. *Ibid.*
55. Communication from Hon'ble Court of Directors to Governor-General of India in Council dated August 29, 1838, Home Department, Legislative Despatch from Court, para 5, No. 14 of 1838.
56. *Fortnightly Review*, 1883, *Op. cit.*
57. Communication from the Officiating Secretary to the Government of India dated December 18, 1838, quoted in the Report of the Indian Law Commission, February 1, 1839, G.O.I. *Legislative Proceedings*, February 1839, Imperial Records Department.
58-63. *Report of the Law Commission*, 1839-1841.
64. Submitted by the Law Commission with certain amendments made by the Council of India, G.O.I. *Legislative Proceedings*, April 1 to May 27, 1839, Imperial Records Department.
65. D.R. Banaji, *Op. cit.*, p. 347.
66-68. Minute by A. Amos dated April 1, 1839, *Legislative Proceedings*, April 1 to May 27, 1839, Imperial Records Department.
69. Minute by W.W. Bird, *Ibid.*
70. Minute by Lord Auckland, *Ibid.*
71. Communication from F.J. Halliday, Junior Secretary to G.O.I., to the Law Commissioners dated September 28, 1840, *Legislative Proceedings*, July 22 to September 30, 1840, Imperial Records Department.
72-81. *Indian Law Commission Report*, 1839-1841.
82. Minute by Lord Auckland dated May 6, 1841, *Legislative Proceedings*, August 2 to September 30, 1841, Imperial Records Department.

83. Minute by W.W. Bird dated June 18, 1841, *Ibid.*
84-85. Minute by H.T. Prinsep dated July 31, 1841, *Ibid.*
86. Communication from the Hon'ble Court of Directors to the Governor-General of India in Council, dated July 27, 1842, Home Department, Legislative Despatch from Court No. 11 of 1842, Imperial Records Department.
87. Translation of a Bengalee Petition from *zamindars* of Sylhet appealing against the Slavery Act dated February 23, 1843, *Legislative Proceedings,* Imperial Records Department.
88. S.D. Kulkarni, 'Over a Century of Tyranny', *Economic and Political Weekly,* March 9, 1974.
The Workman's Breach of Contract Act (13 of 1859) provides for the punishment of breaches of contract by artificers, workmen and labourers. In certain cases, enforcement of performance of the contract of work, or refund of the advance taken made up the punishment for the disobeying of this order.
89. Hugh Tinker, *A New System of Slavery*, Oxford University Press, 1974, p. 49.
90. *Ibid.*, p. 51, cf. Report of the Assam Labour Enquiry Committee, Calcutta, 1906.
91. Public Consultations, September to December 1858, Appendix II, Thomas Caird to Dr. Mouat, October 31, 1857.
92. Emigration under the indenture system ceased from Bombay in 1865. The rise of industry created a demand for industrial labour in Bombay, which absorbed much of the 'floating labour' which was drawn overseas in other parts of India.
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ERRATA

p. 6 line 11 — for 'Table I' read 'Table IA'

p. 6 line 12 — for '25 per cent' read '26 per cent'.

p. 6 line 15 — for '30 per cent' read '38 per cent'

p. 11 line 13— for 'Table I' read 'Table 1B'

p. 15 Table — for 'Table I' read 'Table IB'

p. 19 — Table IVA Col. 5 for '(Rs. 1227. 88 - (3))' read '(Rs. 1227. 88-(4))'.

p. 19 — Table IVB. See corrected Table on the back of this page.

p. 28 line 10 from below—for 'While Gopal Iyer discusses' read 'While Manjit Singh and Gopal Iyer discuss'.

p. 30 line 17 from below—'for discussed in Gopal Iyer's essay' read 'discussed in Manjit Singh and Gopal Iyer's essay'.

p. 31 line 4—for 'Gopal Iyer's study reveals', read 'Manjit Singh and Gopal Iyer's study reveals'.

p. 34 n. 9 — for *'Law and Caste in South India'*, read *'Land and Caste in South India'*.

p. 94, n. 5, 11 — for *'Tarikh i Firuz Shah'* read *'Tarikh i Firuz Shahi'*.

p. 95 n. 24 — for 'Tarikh i Firuz Shah' read *'Tarikh i Firuz Shahi'*.

p. 100 line 9 — for 'butter' 'read 'butler'.

p. 124 n. 27 — for 'Tremenhere' read Tremenheere'.

p. 200 line 18 from below — for 'hindus' read 'Hindus'.

p. 225 n. 7 —for '2,465 persons 'read' 2,465,00 persons'.

p. 281 n. 22 — 'for *Women, Meals and Money* 'read, *'Maidens. Meal and Money'*.

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Table IV B

EARNING OF CULTIVATING HOUSEHOLDS WITH 15 ACRES AND LESS IN RELATION TO POVERTY LEVELS

Deviation of Actual Household Income from Required Income (Rs.)

Alternative poverty levels	Rich peasant	Middle peasant	Small peasant	Poor peasant	All
(1) 43.60	803.73	599.19	—161.32	—574.64	81.99
(2) 43.06	818.86	616.72	—140.66	—556.58	100.99
(3) 32.70	1095.72	917.69	214.07	—246.34	426.65